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TRANSACTIONS
OF THE
ASIATIC SOCIETY
OF
JAPAN.

VOLUME XLI.

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1913.

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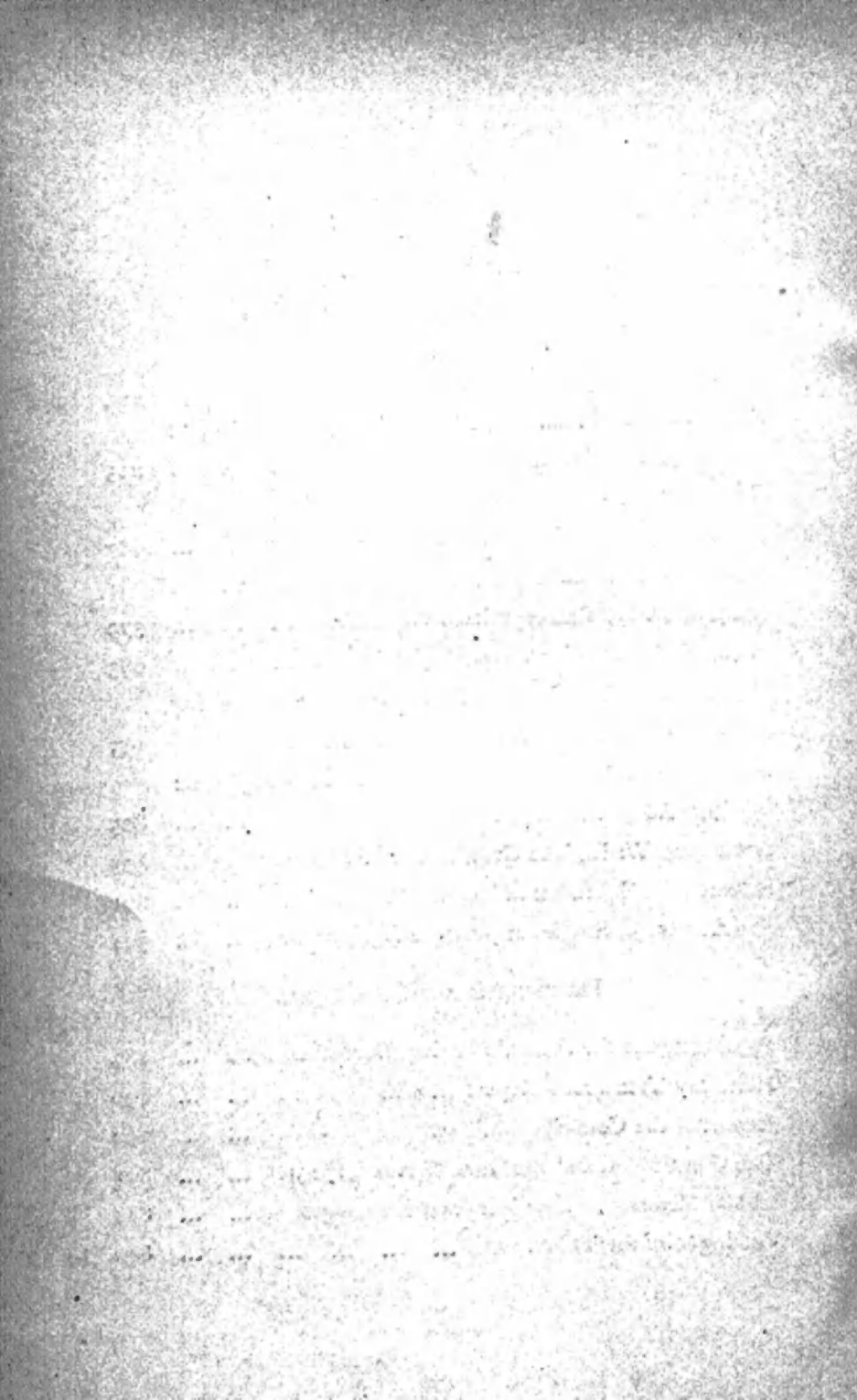
CONTENTS.

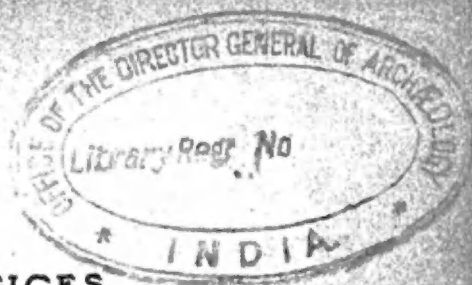
PAPERS AND TRANSACTIONS.

	PAGE.
BOULDIN, W. G., and OJIMA, S., The Ten Buddhistic Virtues; IV-VII.	215
CHAMBERLAIN, B. H., Review of Captain Piggott's, <i>Ele- ment of Sōsho</i>	187
DENING, W., Japanese Modern Literature	I
GREENE, D. C., Life of Takano Nagahide	379
HALL, J. C., The Tokugawa Legislation, IV.	683
KIRBY, R. J., Dazai Jun's Economic Essays, <i>On Doing Nothing, On Divination</i>	195
SANSOM, G. B., Review of Dr. Stopes' <i>Flays of Old Japan: The Nō</i>	805
SCHWARTZ, W. L., The Great Shrine of Idzumo	493
SPENCER, D. S., Index of Volume XLI	861
STRUTHERS, J., Studies in Japanese Agriculture, I.	351

PROCEEDINGS AND SUPPLEMENT.

Proceedings of the Annual Meeting, December, 1912 ...	189
Honorary Treasurer's Report	190
Report of the Council	192
The Constitution and By-Laws (Revised 1913)	811
List of Members, Subscribers and Exchanges	824
Catalogue of the Transactions	840





NOTICES.

With Part V Volume XLI is complete. A General Table of Contents for the Volume is sent herewith to our subscribers, and an Index prepared by Rev. D. S. Spencer, D.D., of Nagoya, will be found at the end of this Part.

As the Transactions of the Society reach between four and five hundred people, the Publications Committee has no hesitation in calling the attention of editors and authors of books of value on Japan to this medium of bringing their works to the notice of a large interested public. *Two* copies of books to be reviewed should be sent to the Corresponding Secretary, Keio University, Tokyo, one to be the property of the reviewer, and the other to be placed in the Society's Library.

The Society's Library, which numbers about three thousand volumes, and comprises many rare books dealing with the Far East, is now permanently located in Keiōgijuku Library. Any member who wishes to consult the books may do so at any time between eight and six o'clock, holidays and Sundays excepted. Books may be taken out by members as heretofore.

The general meetings of the Society are held once a month, except during July, August, and September, on the third Wednesday of the month, at four o'clock, in the Library at Keiōgijuku.

Beginning with Volume XLI, the Transactions will be issued in light boards, so as to obviate the necessity of subsequent rebinding.

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Article VI. Ordinary members shall pay on their election an entrance fee of five *yen* and subscription for the current year. They shall pay an annual subscription of five *yen*.

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Article VII. The annual subscription shall be payable in advance, on the 1st of January in each year.

Article VIII. Every member shall be entitled to receive the publications of the Society during the period of his membership.

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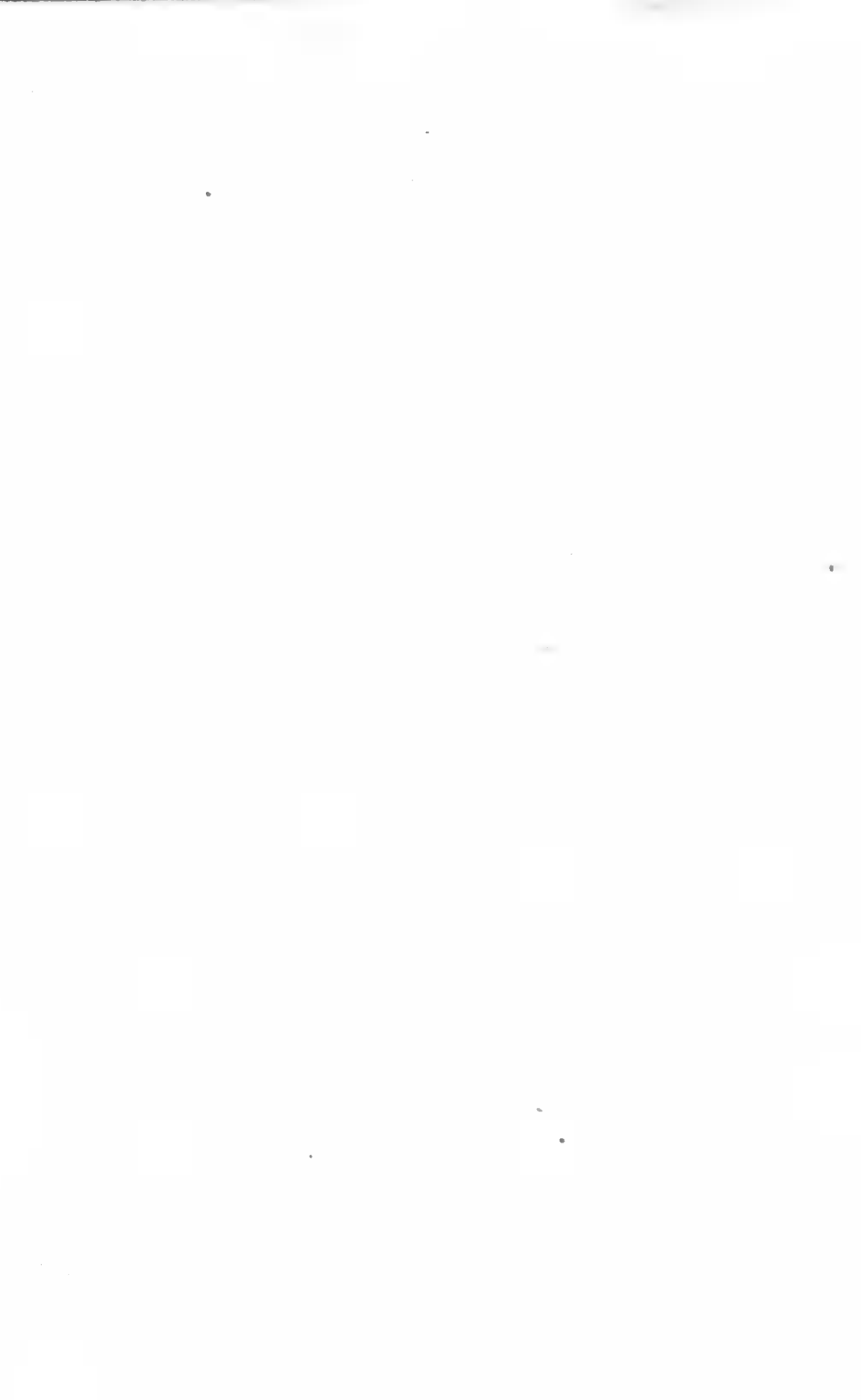


TABLE OF CONTENTS.

	PAGE
THE TOKUGAWA LEGISLATION. IV. J. C. HALL, C.M.G....	683
NOTICES OF BOOKS	805
CONSTITUTION AND BY-LAWS	811
LIST OF MEMBERS AND EXCHANGES	824
CATALOGUE OF THE TRANSACTIONS	840
INDEX OF VOLUME XLI.	861

NOTE.

In Vol. XXXIV, Part I, of the Transactions Mr. Hall presented a translation of the initial code of the Hojo rulers, the Institutes of Judicature ; in Vol. XXXVI, Part II, a translation of the initial Ashikaga Code ; in Vol. XXXVIII, Part IV, a translation of the Tokugawa Legislation in so far as it concerned the Court Nobility, the Feudal Barons and the common folk. In the present volume a translation of the concluding division of the Tokugawa Legislation, "The Edict in 100 Sections," prescribing the procedure and legal rules to be followed by the magisterial tribunals, is presented.

JAPANESE FEUDAL LAWS

III.

THE TOKUGAWA LEGISLATION

PART IV.

THE EDICT IN 100 SECTIONS.

There were, as remarked in a previous paper, two periods of legislative activity in the history of the Tokugawa Shōgunate; one at the foundation of the dynasty in the early years of the seventeenth century; the other more than a century later, when the main line had become extinct and the succession had passed to a junior branch in the person of the eighth Shōgun, Yoshimune, the head of the Kii line of daimyōs. This ruler was a man of exceptional ability and elevation of character, a worthy successor of Iyeyasu and Iyemitsu. He reigned from 1716 to 1745, and introduced many reforms in the administration of the government. Amongst them, towards the close of his beneficent sway, was the regularization of the administration of justice.

This "Edict in 100 Articles," says the editor of the collection of the Statute Laws of old Japan, was compiled in 1742 by order of the then reigning eighth Tokugawa Shōgun, Yoshimune, for the use of Courts of Justice, not for popular information; and it was revised and amended in 1790 by Matsudaira Sadanobu, who was then the virtual ruler of Japan under the 11th Shōgun, Iyenari (1786-1831). When first drawn up it consisted of 100 sections, or heads of law; but three were added at the time of its revision, nearly half a century later. It is a compendium of the legal procedure and of the penal law which

was in force throughout the whole period of Tokugawa rule, more than two and a half centuries ; for, though compiled only about the middle of that period, it embodied the customs which, with very little change, had prevailed from the beginning of the dynasty. It was never printed in the Tokugawa days, and there are great variations in the manuscript copies of it which were in use in the tribunals.

In the following translation the text given in the *Kodai Hoten* has been taken as the original. Although the sections or heads of law are consecutively numbered, there is no attempt at a logical arrangement of the subjects dealt with ; and these cover a tolerably wide range, both of legal procedure and substantive law, civil and penal, as may be seen from the following enumeration :—

Jurisdiction of the Courts and commencement of suits ; Endorsement and certification of maps and plans after adjudication of suits ; Conflict of jurisdiction in land cases and succession cases ; Obstinate persistence in litigation ; Obstinate appealing to the High Court ; Suits or complaints against officials ; Judicature may be partly in private ; Composition of Supreme Court in very important cases ; Responsibility of lords for their retainers' misdoings ; Rights of common and easement cases ; Judicial land surveys ; Judicial plans and boundary rectifications ; Admissible documentary proofs in land cases ; Ecclesiastical and religious litigants ; Inadmissible causes of action and limit of time for suing ; Extorted admissions of liability are void ; Preliminary inquisition in cases of robbery and arson ; Old offences coming to light ; Contempt of judicial decisions ; Evading government barriers ; Poaching with firearms ; Poaching with nets and birdlime ; Home-imprisonment ; Liability for litigation expenses ; Punishment for omitting census registration ; Punishment for offering bribes ; Confiscation of convicts' estates ; Punishment for farmers forcibly petitioning against a lord of the soil (*Jitō*) and conspiring to run away ; Adjudication of bankruptcy ; Punishment for buying and selling arable land, and for

concealing ownership of land ; Mortgages and leases to tenant-farmers ; The time-limits within which the arrears of mortgage debts, whether in rice or money, must be paid ; Adjudication of money debts ; Fixed days (of each month) for trial of money lawsuits ; Declarations of insolvency ; Hypothecation of houses, ships and barbers' shops ; Fraudulent double hypothecation or sale of securities already pledged ; Fraudulent buying or selling of ships' cargo and wrongful seizure of same ; Cent. per cent. usury (*bai-kin*) and lending on blank I.O.U.s ; Forgery of money bonds ; Fraudulent transfers of business establishments ; Dishonest guarantors of servants ; Punishment of guarantors of run away servants ; Harboursing runaway servants and such like misdemeanours ; Abandonment of infants ; Selling adopted daughters to brothels ; Punishment of private prostitutes ; Adultery ; Illicit intercourse with betrothed girls ; When a man and woman voluntarily do away with themselves ; Unchaste priests (*bōshi*) ; The *Fuju fuse* sect of the Mitori-ha (Nichiren) ; Innovations and heresies in religion ; Punishment for secret internment in cases of unnatural deaths ; Gambling, and lotteries ; Theft ; Receiving or buying stolen goods ; Informing against bandits ; Omission to report accidental deaths, treasure trove, assaults with violence, sicknesses, etc. ; Disposal of lost and found goods ; Kidnapping ; Forgery ; Libel, calumny and defamation ; Blackmailing and extortion ; False accusations ; Sale of poisons and spurious medicines ; False coiners ; False weights and measures and vermillion ; Responsibility in cases of conflagration ; Punishment for arson ; Killing and wounding ; Justifiable homicide ; Wounded man's death due to other causes ; Accidental homicide ; Punishment for stone-throwing at weddings ; Rowdyism ; Drunk and disorderly persons ; Murder by insane persons ; Juvenile offenders under fifteen ; Aiding culprits to escape and harbouring without reporting same ; Descriptions of criminals' physiognomy ; Search for runaway criminals ; Torture ; Second offences by transported convicts ; Escaped prisoners or offenders returning to their forbidden

resorts; Watchmen committing offences; Pickling serious offenders who die during investigation; Illness of prisoners; Disposal of homeless persons; Forcibly carrying off a former divorced wife who has been re-married; Embezzlement from letters by couriers; Suits against pawnbrokers; Hustling along of travellers falling sick; Assumption of two swords by farmers and townsfolk; Squatting at will on newly opened land; Concealment of confiscated fields of convicts; Petitions from sons of convicts in ward of relatives to enter the Buddhist church; Careless account keeping by village functionaries: Minor offenders after release from prison to be leniently dealt with; Offences and torts which though nominally grave inflict no actual injury; Disclosure of other offences during trial for principal offence; Confessions by accomplices or accessories during a criminal investigation; Modes of punishment.

This compilation of legal rules and principles differs in one important respect from all the previous enactments of the Tokugawa dynasty. It was not addressed to the people subject to its provisions. It was law in the fullest sense of the term, as being the command of the *de facto* sovereign; but it was deliberately kept from the knowledge of the great mass of his subjects who were most concerned to know, in order that they should obey it. The three fundamental statutes enacted at the beginning of the dynasty were directly promulgated to the classes bound to obey them, namely, the Court nobility at Kyōto, the *daimyōs*, and the two-sworded gentry; but for the ruler to address directly, even by way of command, the mass of his unprivileged common subjects of the three lower classes, farmers, artisans and merchants, would have been an act of extravagant condescension altogether out of keeping with the social conditions of the time. When legal commands had to be issued to mere commoners they were promulgated by one or other of the magistrates.

As regards the sources of the law embodied in this code or Edict in 100 sections a few words may be said. On the

face of it, the bulk of it is 'old custom, modified by recent judicial' decisions. While the customary part claims to be very old—*maye-maye yori no rei*—it was not pretended that, like the English common law, it went back to a time 'whereof the memory of man runneth not to the contrary.' The customs it perpetuates were those which had sprung up after the collapse of the power of the Kyōto theocracy in the twelfth century. It is therefore the customary law of Feudal Japan which is here presented to us in compact form; and in every case the judicial decisions by which the pre-existing custom was modified in any way, whether of development or change, are carefully dated. The code was specially compiled for the use of the courts in deciding cases both civil and criminal, and like most other concerns of government of the feudal age the people were deliberately and carefully kept in ignorance of its purport. One element of its importance, historical and jural, is the fact that it is the soil in which the whole of the luxuriant legislation of the Meiji era had to be planted. Though directly operative only in the Shōgun's own domains, namely the eight Kwantō Provinces, the three cities of Kyōto, Ōsaka and Sumpu and the minor distant strongholds and ports, yet indirectly by virtue of article 21 of the Laws for the Barons issued in 1635, it guided judicature in the fiefs of the two hundred and sixty odd daimyōs who acknowledged the suzerainty of the Tokugawa house.*

The Edict in One Hundred Articles (*O Sadamegaki Hyakkajō*).

CONTENTS.

1. Jurisdiction of the Courts and commencement of suits.
2. Endorsement and certification of maps and plans after adjudication of suits.
3. Conflict of jurisdiction in land cases and succession cases.
4. Obstinate persistency in litigation.

* See Transactions of A. S. J. Vol. 38. p. 297.

5. Obstinately appealing to the High Court.
6. Suits or complaints against officials.
7. Judicature may be partly in private.
8. Composition of High Court in very important cases.
9. Responsibility of lords for their retainers' misdoings.
10. Rights of common and easement cases.
11. Judicial land surveys.
12. Judicial plans and boundary rectifications.
13. Admissible documentary proofs in land cases.
14. Ecclesiastical and religious litigants.
15. Inadmissible causes of action and limit of time for suing.
16. Extorted admissions of liability are void.
17. Preliminary inquisition in cases of robbery and arson.
18. Old offences coming to light.
19. Contempt of judicial decisions.
20. Evading government barriers.
21. Poaching with firearms.
22. Poaching with nets and birdlime.
23. Home-imprisonment.
24. Liability for litigation expenses.
25. Punishment for omitting census registration.
26. Punishment for offering bribes.
27. Confiscation of convicts' estates.
28. Punishment for farmers forcibly petitioning against a lord of the soil (*Jitō*) and conspiring to run away.
29. Adjudication of bankruptcy.
30. Punishment for buying and selling arable land, and for concealing ownership of land.
31. Mortgages and leases to tenant-farmers.
32. The time-limits within which arrears of mortgage debts, whether in rice or money, must be paid.
33. Adjudication of money debts.
34. Fixed days (of each month) for trial of money lawsuits.
35. Declarations of insolvency.
36. Hypothecation of houses, ships or barbers' shops.

37. Fraudulent double hypothecation or sale of securities already pledged.
38. Fraudulent buying or selling of ships' cargo and wrongful seizure of same.
39. Cent. per cent. usury (*bai-kin*) and lending on blank promissory notes
40. Forgery of money bonds.
41. Fraudulent transfers of business establishments.
42. Dishonest guarantors of servants.
43. Punishment of guarantors of run-away servants.
44. Harboursing runaway servants and such like misdemeanours.
45. Abandonment of infants.
46. Selling adopted daughters to brothels.
47. Punishment of private prostitutes.
48. Adultery.
49. Illicit intercourse with betrothed girls.
50. When a man and woman voluntarily do away with themselves.
51. Unchaste priests (*bosū*).
52. The *Fuju fuse* sect of the Mitori-ha (Nichiren).
53. Innovations and heresies in religion.
54. Punishment for secret interment in cases of unnatural deaths.
55. Gambling, thimble-rigging and lotteries.
56. Theft.
57. Receiving or buying stolen goods.
58. Informing against bandits.
59. Omission to report accidental deaths, treasure trove, assaults with violence, sickness, etc.
60. Disposal of lost and found goods.
61. Kidnapping.
62. Forgery.
63. Libel, calumny and defamation.
64. Black-mailing and extortion.

65. False accusations.
66. Sale of poisons and spurious medicines.
67. False coiners.
68. False weights and measures and vermilion.
69. Responsibility in cases of conflagration.
70. Punishment for arson.
71. Killing and wounding.
72. Justifiable homicide.
73. Wounded man's death due to other causes.
74. Accidental homicide.
75. Punishment for stone-throwing at weddings.
76. Rowdyism.
77. Drunk and disorderly persons.
78. Murder by insane persons.
79. Juvenile offenders under fifteen.
80. Aiding culprits to escape and harbouring without reporting same.
81. Descriptions of criminals' physiognomy.
82. Search for runaway criminals.
83. Torture.
84. Second offences by transported convicts.
85. Escaped prisoners or offenders returning to their homes or forbidden precincts.
86. Watchmen committing offences.
87. Pickling serious offenders who die during investigation.
88. Illness of prisoners.
89. Disposal of homeless persons.
90. Forcibly carrying off a former divorced wife who has been re-married.
91. Embezzlement from letters by couriers.
92. Suits against pawnbrokers.
93. Hustling along of travellers falling sick.
94. Assumption of two swords by farmers and townsfolk.
95. Squatting at will on newly opened land.
96. Concealment of confiscated fields of convicts.

97. Petitions from sons of convicts in ward of relatives to enter the Buddhist church.
98. Careless account-keeping by village functionaries.
99. Minor offenders after release from prison to be leniently dealt with.
100. Offences and torts which though nominally grave inflict no actual injury.
101. Disclosure of other offences during trial for principal offence.
102. Confessions by accomplices or accessories during a criminal investigation.
103. Modes of punishments.

I.—ENDORSEMENT AND PRELIMINARY SANCTION OF PLAINTS.

Suits emanating from (Buddhist) temples and (Shintō) shrines, and from lands belonging to them; or from private fiefs outside of the Eight Provinces of the Kwantō; likewise those from temple lands and shrine lands within the Eight Provinces, to which suits the other parties are under the jurisdiction of the Capital (Yedo), are to be endorsed (by the Ecclesiastical Magistrate [*Jisha Bugyō*] on duty for the month as being fit to be adjudicated upon). (Customary)

Suits emanating from parties in the township and streets of Yedo, and from towns or streets in temple-lands and shrine-lands and lanes in front of temples and shrines or within the temple precincts who are tenants of land belonging thereto, to which suits the other parties are within the government's jurisdiction, are to be endorsed for trial by the City Magistrate (*Machi Bugyō*). (1745)

Suits emanating from parties in the Suzerain's demesne lands (*go-ryō*) or in the fiefs of daimyōs (*shi-ryō*) within the Eight Provinces and those from the Suzerain's demesne lands outside of the Eight Provinces against parties under the Yedo jurisdiction (*go fu-nai*) are to be endorsed by the Exchequer Magistrate (*Kanjō Bugyō*). (Customary)

The endorsement to be made on complaints in the above-named cases is to be as follows:—

"Let the village-headmen (*na nushi*) and the house-heads (*iye-nushi*) and the punchayets (*gonin-gumi*) of both parties come together and settle the matter in dispute; in case they fail to reach an amicable settlement, let the parties as aforesaid appear before us within seven days."

However, in cases where there is a conflict of jurisdiction the suit is to be brought before the High Court (*Hyōjōsho*). If both parties are within the same jurisdiction the decision is to be given by the Magistrate (*Bugyō*) concerned.

In cases where the defendants are in remote country districts or provinces far-off, the endorsement on the complaint must specify a date—such a day of such a month—on which the parties are to appear before the *Hyōjōsho* for the hearing and deciding of the suit. This endorsement and initial sealing of the complaint must be given jointly by the three magistrates on duty for that month. (1717)

But in cases where both parties are domiciled within the four provinces of Yamashiro, Yamato, Ōmi and Tamba the suit is to be dealt with by the City Magistrate of Kyōto. (1722)

If both parties belong to any of the four provinces of Izumi, Kawachi, Settsu or Harima the case is to be dealt with by the City Magistrate of Ōsaka. (1722)

If however, amongst suits arising in any of the above eight provinces there should be a conflict of jurisdiction as between the City Magistrates of Kyōto and Ōsaka, or if the defendants belong to some other Province, then the Ecclesiastical Magistrate (of Yedo) is to make the preliminary endorsement and sealing.

If in the above provinces a suit in which both parties belong to one and the same jurisdiction (i.e. either to Kyōto or Ōsaka) should be brought before the Yedo Magistracy, they should be ordered to bring it before the Magistrate to whose jurisdiction it pertains and it must not be entertained here (at Yedo).

(Customary)

2.—ENDORSEMENT AND CERTIFICATION OF MAPS AND PLANS AFTER
ADJUDICATION OF SUITS.

Upon the adjudication of boundary disputes the plans prepared by the courts of the boundaries of provinces and of cantons shall be certified by the seal of the Council of State (*Go-Roku*) and those of the three Magistrates.

Other (minor) plans embodying the judgment of a court shall be endorsed and certified by the joint seals of all three Magistrates. (Customary)

3.—CONFLICT OF JURISDICTIONS IN LAND AND SUCCESSION SUITS.

Suits concerning land held by farmers in the jurisdiction of a Magistrate (or of a Deputy officially acting for a magistrate) in a distant province, as also those concerning land of farmers in a private (i.e. a daimyō's) fief shall only be entertained and enquired into (at Yedo) after a communication has been received from the Landreeve (*Jitō*), whether Magistrate (*Bugyō*) or Deputy (*Daikwan*) of the place in question. If the farmers should bring suit before such a communication has been received it is not to be entertained.

As regards suits emanating from parties under a single landreeve, even though a communication on the subject be received from the landreeve, the plaintiffs must be told to have it settled by the landreeve and that it cannot be entertained (at Yedo). Should the farmers bring a plaint here, before a communication from the landreeve has been received, they must be told to apply to the landreeve and request him to adjudicate; and such a suit shall not be entertained. In case the landreeve should report the matter as being still unsettled, orders must be given that application be made to the superior jurisdiction requesting adjudication. Should the decision then given be unjust, and should information be given of the injustice, an enquiry into the matter will be instituted and the suit will then be entertained.

Suits regarding family successions, adoptions and such like matters which involve interference with some other (daimyō's) fief are sometimes instituted at Yedo. In such cases the plaintiff must be ordered to apply to the landreeve (*i.e.* the daimyō) of the opposite party for his adjudication, and the suit shall not be entertained. If the landreeve's decision of the case should be unsatisfactory, interrogatories must be addressed to him by the plaintiff's landreeve, and if the matter fails to receive a satisfactory settlement then the two landreeves (*Jitō*) may make application (to the government at Yedo) for adjudication. (1742)

Testamentary conveyances duly attested by witnesses' seals, and even when not so attested by witnesses, but being in the hand-writing of the testator himself and sealed with his own genuine seal, when the case is quite free from any suspicious circumstances, shall be held to be valid for constituting a successor. If however the successor so appointed should be markedly outside of the proper line of descent, an enquiry will be instituted and the succession shall be given to some one in the proper line of descent.

[SUPPLEMENTARY DECISION OF 1743.]

Plaints instituted by farmers of the Suzerain's domains (*go-ryō*) must be attached to a letter of introduction from their local authorities (*shihainin*) or the suits will not be entertained. Under special circumstances, however, a communication may be sent to the local authority, and if, after that, a settlement is not arrived at, the suit may, after a conference with the local authority, be entertained at Yedo.

Suits brought by temples or shrines against farmers of the same local jurisdiction within the government domains must be referred back to the local authority for adjudication; and if the latter fails to arrive at a satisfactory settlement, the matter shall be taken up (at Yedo) and adjudicated. (Customary)

Suits brought by temples or shrines against the holder of a fief in the government domain must be referred to the Land-

reeve (*jitō*) in the first instance ; and in case it fails of settlement there, it shall then be taken up and adjudicated.

(Ditto)

4.—OF SUITS WHICH ARE BROUGHT A SECOND TIME AFTER HAVING BEEN REJECTED AND OF SUITS BROUGHT BEFORE A WRONG TRIBUNAL.

When a suit has been instituted and, when examined in common form, has been found to be unsustainable, it is to be returned to the plaintiff with an endorsement to the effect of its invalidity. If it is again instituted, the plaint is to be returned to the suitor with an order that he is to receive a public reprimand. If the plaint be again preferred to the court the suitor is to be fined. (1720)

If, after bringing a suit in the Magistrate's court and after being fined for persisting in bringing it after its repeated rejection, a suitor abruptly drops his plaint into the Plaint-box and applies to the Council of State (*Garōjū*) or the Junior Senators (*Waka-doshiyori*), he must be summoned to appear before the Magistrate, and his plaint shall be again considered, and if it still be found lacking in validity, he shall be again punished by a fine. (1720)

If the parents, children, brothers or other relatives of an obstinate suitor who has been subjected to public reprimand (e.g. handcuffs, fine, house seclusion*) petition for his pardon over and over again, they are not to be subjected to public reprimand for their persistence. (1720)

In general, whenever a plaint is brought before a wrong court the suitor must be directed to bring it before the proper court ; should he, nevertheless, bring it a second time before the same court, there must be a conference between the two Magistracies, and if they find that the suit is one that cannot be

* In *okitome* the culprit was confined to a room in his own house, was barred up in it, his food passed through a hole and the *nanushi* and his *gonin-gumi* had to keep him under constant surveillance.

entertained the suitor must be informed that his petition is inadmissible; and the proper court whose jurisdiction he sought to avoid is to inflict on him a suitable public reprimand. (1722)

If a suit which has once been rejected as inadmissible in a Magistrate's court is again brought before the judge's colleague in the same Magistracy, the suitor, if the manager of a temple, shall be sentenced to close confinement in a single cell, or, if a rustic or a townsman, shall be sentenced to wear handcuffs.*

(Customary)

If, without being brought before one of the three Magistrates, a suit is brought direct before the High Court (*Hyōjōshō*), the suitor must be instructed to bring it before the proper magistrate, by whom it shall be enquired into, and when he has reached his decision, it shall be discussed by the three magistrates and the judgment pronounced by the full bench.

(Customary)

If a suit is brought by relatives or connections in the name of a party and no valid reason is given why he should not sue in person, they must be directed to let the party sue in person and their petition is not to be entertained.

(Customary)

5.—OF THOSE WHO REPEATEDLY PUT THEIR PLAINT INTO THE PETITION-BOX IN FRONT OF THE HIGH COURT.

If a person puts an inadmissible petition into the Complaint-box in front of the High Court he shall be handcuffed and put in charge of a security [generally the keeper of his provincial hostel in Yedo]; and if his security (the landlord of the hostel at which his provincials put up) petitions a second time for his forgiveness, he shall be directed to caution the offender that if the offence be repeated he will be subjected to a public rebuke (*togame*), and the offender himself must sign a bond pledging himself not to repeat the offence under the said penalty. Thereupon he may

* The length of the punishments is left to the discretion of the tribunal.

be at once released from the handcuffs, whatever might be the number of days for which he was sentenced to wear them.

If the improper petitioner be an ecclesiastic (Buddhist) he shall be given in charge to his head monastery or to the Noticiary (*fure-gashira*) of his sect: if he be a free lance (literally a wave-man [*rōnin*], i.e. a *sanurai* no longer in the service of a feudal lord), he shall be secured by the landowner or the householder of the place where he is stopping; and when they petition for his forgiveness they shall be directed to caution him in the same terms as in the former case, and when his bond not to repeat the offence has been given in, he shall be released.

(1741)

Appendix: same year.—A person who, for persistently petitioning through the Complaint box, has been handcuffed and who after being forgiven again puts his complaint into the box is to be expelled from Yedo, whether he be a resident in the city or in the suburbs.

Any person who, for bringing an inadmissible complaint before the High Court direct (not through the Complaint-box), has been put under bail or been handcuffed, and yet will not cease from urging his suit, is to be dealt with in the same way as above (i.e. expulsion from Yedo). (Customary)

6.—OF COMPLAINTS AGAINST OFFICIALS CHARGING THEM WITH OPPRESSION OR PARTIALITY AND OF THE TRIAL AND PUNISHMENT OF SUCH.

When a complaint is brought against a local official of whatever rank, or against the local executive or judicial authority, alleging either abuse of authority or corrupt perversion of justice, an intimation of the fact shall be sent in the first instance to the place; and if afterwards a second complaint is brought, alleging that the matter has not yet been settled, the Magistracy shall then refer for instructions to the High Court and proceed accord-

ing thereto ; but the final decision in the case shall be submitted for the previous approval or otherwise of the High Court.

(1721)

Whenever, at a Magistracy, a plaint is received regarding a matter which was decided some years previously by an official, affecting his own districts, or affecting also a private fief, and a new trial is applied for on the ground that the former decision was illegal as being *ultra vires*, such plaint shall not be entertained. If, however, the complainants produce documentary proofs of their allegations, whilst the other party has no valid proofs to offer, and the Magistrate is fully convinced that the decision formerly given was unquestionably wrong, he is to report to the High Court and request instructions before undertaking a reinvestigation of the case.

Should it be necessary in such a case to make some enquiries of the other party, the bench (of three magistrates) shall discuss the matter and direct the authorities or the Land-reeve of the place to put the interrogatories to the respondent party, and such respondents shall not recklessly be summoned to Yedo to answer the questions.

(1738)

Even though no formal plaint has been received at a Magistracy, should the bench after due discussion find that a previous decision in a case was erroneous, they shall report to the High Court for instructions and then pronounce their decision accordingly.

(1740)

7.—OF THE TRIAL OF LAW-SUITS AT THE HOUSES OF INDIVIDUAL MAGISTRATES.

On the days appointed for the formal hearing of suits, the plaints shall be presented to the full bench (of three Magistrates), and cases which are not disposed of the same day may be dealt with at the house of the Magistrate on duty (for the month); who will, without undue delay, complete the investigation of the case; and after his judgment has been discussed by the full bench, their joint decision shall be pronounced.

But this individual conduct of a trial is not to be entrusted to a subordinate, whether official Deputy or acting substitute.

8.—OF THE HIGH OFFICIALS WHO ARE TO BE MEMBERS OF THE HIGH COURT (*Hyōjōsho*) WHEN HANDLING SUITS RELATING TO FIEFS.

These shall be :—

A Member of The Council of State (*Gorōjū*).

The Lieutenant Governor of Kyōto (*Shoshidai*).

The Lord Warden (*Gojōdai*) of Ōsaka Castle.

A Junior Senator (*Wakadoshiyori*).

One of the personal suite of the Shōgun (*O Soba-shū*).

The full bench of the High Court (*i.e.* the nine Magistrates).

(1739)

When a suit relating to a (daimyō's) fief is to be tried by the above tribunal, no application to the government will be requisite for the entertaining of the suit. The purport of the judgment, however, must be reported for approval.

But suits respecting mortgages or money debts, being regulated by a settled law, need not be reported to government for instructions.

9.—WHEN THE RETAINERS OF HIGH OFFICIALS HAVE INCURRED PUNISHMENT THEIR LORDS ARE TO SUSPEND FUNCTIONS AND REPORT FOR INSTRUCTIONS.

(1747)

A Councillor of State.

The Lieutenant Governor of Kyōto.

The Lord Warden of Ōsaka.

A Junior Senator.

A Personal attendant on the Shōgun

An Ecclesiastical Magistrate (*Jisha Bugyō*.)

A Grand Over-seer (*Ohometsuke*.)

A City Magistrate (*Machi-Bugyō*.)

An Exchequer Magistrate (*Kanjō-Bugyō*.)

An Overseer (*O metsuke*).

The Commandant of Ōsaka (*Gojōban*).

The Lord Warden of Sumpu (*Gojōdai*).

When a retainer of any of the above, being a foot soldier (*kachi-ashigaru*) or valet (*chūgen*) has been guilty of insolence (*futodoki**), for which he has to be punished by the government, it is not necessary for his lord to suspend official duties. If samurai or even underlings conspire together and commit a crime for which they have to be publicly punished, their lords must suspend official duties and report for instructions.

As regards officials in distant provinces, if their retainers commit a crime for which punishment has to be inflicted, they are to follow the same course as prescribed in the foregoing clause.

As regards public officials of lower rank, if their retainers conspire together and commit a crime for which they are punished, it will depend on the circumstances of each case whether or not they must suspend functions and report for instructions.

10.—SUITS RESPECTING WATER FOR USE, WATER-NUISANCES, OPENING UP NEW LAND FOR RICE-FIELDS, NEW EMBANKMENTS FOR STREAMS, DAMS AND WEIRS FOR RIVERS AND SUCH LIKE.

When suits are brought by villages in any of the provinces about irrigation water, drainage or other noxious water, as also about reclamation of silt for rice-land, new embankments or new

* *Futodoki* (insolence). This is a technical word of much significance. When a culprit's confession of the charge against him was drawn up for his indispensable signature, or rather sealing with his thumb, it always concluded with a formula somewhat to this effect:—"Having committed such and such an act and having thereby been guilty of insolence I am profoundly imbued with dread at incurring your investigation." Males sealed with the left thumb, women with the right. By the word "insolence" the lictors, but not the prisoner, understood that decapitation was his doom.

breakwaters and weirs for streams or a river, and the interests of some other fief are involved in such suit, then if it concerns the government domain, the official Deputy (*Daikwan*), if a daimyō's fief, the Landreeve's (*Jiō*) retainers, shall be summoned (to Yēdo) and shall be ordered to arrange the matter by direct negotiation in a manner satisfactory to both sides; and the plaint of the villagers shall be handed over to them (in original). If thereafter, the officials of both sides should report the matter as not yet settled, the particulars shall be carefully enquired into (by the High Court) and the plaint shall be formally entertained and tried and decided. (1729 and 1740)

II.—OF HOLDING SURVEYS OF LANDS IN CONTROVERSY AND OF
SENDING SURVEYORS FOR THE RECTIFICATION OF DISPUTED
BOUNDARIES.

In land disputes, the plans of both parties shall be produced; and whether it be the boundaries of a province that are in controversy or merely the boundary of a canton, these shall be compared with the government map of the province; and if it be found that in, the main, there is no discrepancy between them, it shall not be necessary to send a surveyor before delivering judgment. As a rule surveys are not to be too freely ordered, but only in very complicated cases.

In cases which cannot be decided without the holding of a survey, if the dispute has reference to the boundary of a province or of a canton, the government care-takers (*go ban shu*) and the official Deputy shall be sent to make the survey. If the dispute relate merely to the boundaries of villages, the official Deputy alone is to be sent. And even in disputes as to cantonal boundaries, when the case is free from complications judgment may be given after a survey held by the local official Deputy. (1740)

In disputes about wet-fields (rice fields) and dry fields and hills and forests and such like (*i.e.* disputes merely of the com-

mon people), when the maps and documents produced by the parties are not sufficiently clear to allow of a decision being given without a rectification of the boundaries, it shall not be necessary to report the case to the High Court for trial, but a subordinate official Deputy of the neighbourhood is to be sent to carry out a rectification of the boundary. (1722)

12.—OF THE ENDORSEMENTS OR ANNOTATIONS TO BE MADE BY THE TRIBUNAL ON REQUESTS FOR SURVEY, MAPS, PLANS, ETC., IN RESPECT OF DISPUTED LAND CASES.

In disputes about land, the areas in *cho*, *bu* and *tan* (acres, roods and perches) must of course be clearly stated in the documents produced as proof, and the exact figures be given in all matters of accounts and calculations therewith connected.

In case of further disputes about land previously in controversy and adjudicated upon in accordance with the plans produced in court, the same plans need not again be exhibited, but only minor plans, showing the smaller portions in respect of which a further adjudication is needed. (1726)

In cases where the plans* alone are insufficient for grounding an adjudication upon, explanatory notes may be made on the margin thereof; but if the explanatory names of the several plots are numerous, the plots should simply be numbered on the plan, and the explanatory details (literally nicknames—*asa*) given as separate exhibits marked with the corresponding numbers. (1740 and 1743)

The portion outside of the ground in dispute is not to be coloured on the plan; but the name of the place is to be marked on the margin, on which both the plaintiff's and defendant's names must also be written. (1736 and 1742)

13.—OF THE DOCUMENTARY PROOFS WHICH ARE TO BE ACCEPTED AS VALID IN JUDICATURE.

These are first of all grants, patents, etc., bearing the gov-

* Which were always coloured.

ernment vermilion seal ;* deeds of assignment of land ; ancient deeds of agreements ; ancient water-registers ; in some cases documents issued by a Land-reeve (*Jiō*) and such like. Provided that there be nothing suspicious looking in the papers produced in evidence, the above written instruments should be accepted as valid proofs. Private notes, memoranda, etc., and narratives respecting (the foundations of) temples and shrines (*shaji genki*) and such like are not to be indiscriminately accepted in evidence.

14.—HOW RELIGIOUS PERSONS, BUDDHIST OR SHINTŌIST, WHO BRING SUITS ARE TO BE DEALT WITH. (1701)

When a suit is brought (before the Ecclesiastical Magistrate) by a person in religion, Buddhist or Shintō, who has not given notice of his proceeding to his proper superiors and is not furnished with a note of authorization from them appended to his plaint, his suit is not to be entertained. Should he still persist in urging his suit, the magistrate shall make enquiry of his Head Monastery or the Noticiary of his denomination (*fure-gashira*), and if the Head Monastery or the Noticiary undertake to investigate and dispose of the case, the Magistrate shall empower them to dispose of it judicially.

If, however, the Head Monastery or the Noticiary of the sect should be the party defendant, or if, in spite of the fact that the suit was brought in the first instance before the Head Monastery (*honzan*) or the Noticiary, they have nevertheless burked it, so that the plaintiff has no alternative but to sue in the Magisterial court, then the suit shall be entertained, regardless of the absence of the note of authorization (from his spiritual superiors).

In case a suit is brought by the (tenant) farmers of land belonging to a Buddhist temple or Shintō shrine, complaining of injustice (*hibim*) on the part of the Land-reeve (*Jiō*), the Magistrate shall summon the Abbot or the god-owner (*kannushi*)

* I.e. of the Ashikaga and Tokugawa governments.

who is the landlord, and shall ascertain from them the facts of the case, and, if the circumstances are such as to require it, he shall entertain and try the suit.

When judgment is to be delivered in any suit in which the incumbent of a temple is joined with the farmers as one of the parties plaintiff or defendant, the Noticiary of his denomination or the chief priest of the temple shall be required to attend, shall be made acquainted with the decision, and shall be directed to endorse the judgment order with his seal (in attestation of submission).

Any suit about a matter pertaining to the doctrine or observances of a single sect (Buddhist) is not be entertained. However, if even after the Head Monastery or the Noticiary have imposed the penalty of a public rebuke (*togame*), the suitor insists, to their annoyance, on suing, or if the interests of a layman of another sect are involved in the controversy, the suit shall be entertained and decided by the (Ecclesiastical) Magistrate.

15.—PETITIONS WHICH ARE NOT TO BE ENTERTAINED AS (CIVIL) SUITS; AND THE LIMIT OF TIME WITHIN WHICH SUITS MUST BE INSTITUTED.

Petitions which allege (against the defendant)

arson,

theft or robbery,

homicide,

kidnapping,

parricide;

against village headmen, etc., charging corruption or abuse of authority;

gambling, or the holding of a lottery,

secret prostitution,

swindling,

are not to be entertained judicially.

In addition to the above were included (in 1740) the following :—

Petitions relating to any matter in which the Government (*kōgi*) is concerned.

Summons of the parties to a suit should issue within twenty days. If, however, it concerns a party in a distant province, the time required for communication with Yedo shall be taken into account, and a proper allowance of time shall be made in fixing the date of hearing.

16.—DOCUMENTARY ADMISSIONS (AS BETWEEN PARTIES TO A SUIT)
NOT TO BE EXACTED BY DURESS.

Documentary admissions of mistake or misfeasance* are not to be obtained by pressure from the other party to a suit. Even if such a document has been obtained by one party from the other, it is to be disregarded, and the matter is to be adjudicated in accordance with the equities of the case. (1740)

17.—PRELIMINARY INVESTIGATION INTO CHARGES OF ROBBERY
OR THEFT AND OF ARSON.

The preliminary enquiries to be made by the court when accusations of robbery or theft or of arson are brought against a person must not be left in the hands of the underlings concerned with the reporting of such crimes (the *tosoku-aratame* and *hisuke-aratame*),† but shall be entrusted only to the employees of the court (its own subordinates). (1718)

18.—PUNISHMENT OF OLD CRIMES AND OFFENCES.

With regard to the following crimes of old standing (*i.e.* committed some considerable time before being brought to trial) viz :—

* The practice of exacting such confessions of misfeasance is much in vogue even at the present day (1913) in country districts.

† Who were generally the headmen of (1) the pariahs (*Ets*) or (2) the beggars.

Parricide	...	...	...	...	...	...	(1744)
Murder	...	...	...	...	...	...	(1743)
Arson	...	...	...	...	...	...	(1742)
House breaking by banditti	...	...	...	...	...	...	(1742)
Highway robbery and burglary	...	...	...	...	...	...	(1744)

and any violation of a law of the government, the offenders are to be punished with death, or one of the severer modes of capital punishment.

Persons who, in the exercise of their official functions, actuated by selfish greed, were guilty of squeezing (*ô-ryo*) even though it be only to a slight extent, shall be deemed to have incurred culpability.

Amendment.—In cases where an offence was committed, and the offender was not apprehended though the hue and cry was issued for him, if a long time has elapsed before his arrest, he is not to be punished without the case being reported (to a magistrate) for instructions. When such a person is brought before the magistrate by the village headman, if he states that it was his first and only offence, and if there be no other charge against him, he may be excused from public disgrace (*togame*) provided twelve full months have elapsed from the time of committing the offence. But if proceedings against him were begun within the twelve months, it shall not be deemed an old offence even though judgment should not be given till after the expiry of that period.

†19.—PUNISHMENT OF THOSE WHO REFUSE TO ACCEPT THE JUDGMENT OR THE SEALED ORDER OF A COURT.

Refusal to accept a judgment shall be punished by medium-deportation. (Customary)

Refusal to receive a sealed order or a summons of a court, by expulsion. (Customary)

† This section relates mainly to *sou-ron*; i.e. disputes between villages as to the boundaries of the common land belonging to each.

After acceptance of a judgment, secret refusal to abide by it is to be punished by medium deportation. (Supplemental)

20.—PUNISHMENT OF PERSONS WHO EVADE A BARRIER TO CROSS THE MOUNTAINS, OR WHO DISGUISE THEMSELVES TO SLIP THROUGH A BARRIER. (Customary)

Any one who by dodging the barrier crosses over a mountain which it is prohibited so to cross is to be crucified at his own place.

A woman who, enticed by a man, so crosses over a mountain, is to be made a shaveling (literally a slave *奴*).*

Any one who acts as guide in either of the above cases is to be crucified at his own place.

Should the guide be a woman she is to be made a shaveling.

Any one who slips through a mountain barrier under a disguise is to be sentenced to major deportation; if a woman, she is to be made a shaveling.

Any one who accompanied by a woman slips in disguise past a mouth-stop guard-house is to be sentenced to medium deportation; the woman, however, is to be handed over to the lord of the fief (or other local authority) for punishment.

21.—CULPABILITY TO BE ATTACHED TO VILLAGES IN WHICH FIRE-ARMS ARE CONCEALED. (1741)

Any one found in secret possession of a gun:—

If within a radius of ten *ri* of Yedo, or in a government game preserve district, is to be sentenced to banishment to a distant island; (*yenbō* i.e. transportation for life).

If anywhere outside of the above radius but within the eight Kwantō provinces, to medium deportation.

If beyond the limits of the Kwantō provinces, to expulsion (from his domicile).

* By having her head shaved and sent back to her people the woman was disgraced for life.

Any one who fires a gun in his secret possession is to be sentenced to the same punishment as in the cases above enumerated.

The villages in which any of the above offences are perpetrated are to be heavily fined.

If the offender should have come from some other place, the headman and, if within the Eight Provinces, the *kumigashira* of his village, are to be severely reprimanded in addition.

If the secret possessor of a gun be a member of a punchayet (*goningumi*) it (the punchayet) is to be fined, should the offence occur within the ten *ri* radius of Yedo or within the boundaries of a game-preserve.

If a secretly owned gun is fired within ten *ri* of Yedo, the village is to be fined in a moderate amount.

If such gun is found in the possession of a villager within the limits of a government game preserve, the whole of the farmers of the village, as an amend for their negligence, are to be ordered to supply game-keepers (*lit.* bird-watchers — *tori-ban*) for a whole year.

If a gun is fired more than three times within a game preserve without the cognisance of the foresters in charge (*nomawari yaku*) they must be dismissed from their posts.

If a gun is even found in the possession of a person in the village where a forester lives, he is to be dismissed from his post. (Date of all the above provisions, 1741.)

The government reward for the arrest of any person firing a gun within the ten *ri* radius of Yedo or inside a government game preserve shall be 20 pieces of silver. (1721)

The reward for any one who acts as prosecutor against any offender in the foregoing cases is to be 5 pieces of silver.

22.—PUNISHMENT FOR KILLING A BIRD INSIDE A GOVERNMENT PRESERVE.

If any person snares and kills a bird either with a net or

with a bird-limed cord within a government preserve, a fine shall be inflicted on the offender and on the headman of the village, and the punchayet chief (*kumi-gashira*) shall be reprimanded.

If poached birds are sold, both the seller and the buyer shall be fined.

And if the offence be repeated the full fine shall be imposed every time.

23.—HOME IMPRISONMENT NOT TO BE INFLICTED IN RURAL DISTRICTS.

Confinement of an offender in his own house is not to be imposed as a punishment in country villages.

The minor offences should be dealt with by reprimands and fines of varying degrees of severity in accordance with (previous) decisions of the government. (1740)

However, in villages continuous with or contiguous to the streets and suburbs of Yedo which are under the jurisdiction of the City Magistrate, the punishment of house-confinement may be imposed; but in cases where a fine would be sufficient, a fine should be the penalty.

In villages, persons who are of the condition of samurai* may be sentenced to house-confinement. (1740 and 1745)

24.—OF THE HOSTEL AND OTHER MISCELLANEOUS EXPENSES INVOLVED IN BRINGING VILLAGE LAW SUITS TO YEDO FOR ADJUDICATION: AND OF THE APPORTIONMENT OF SUCH EXPENSES AMONGST THE VILLAGERS.

When such law suits are instituted or a petition is preferred, the whole village being responsible for the expenses of the parties, whether plaintiffs or defendants, whilst putting up at Yedo hostels, such expenses shall be divided amongst the farmers

* e.g. Doctors and *yama-bushi*. The latter were Buddhist devotees who offered up prayers for the sick, but did not officiate at funerals. *Gōshi*, rural gentlemen, were of a higher class and not included in above enactment.

in proportion to their means. In cases of suits by individuals, the plaintiff alone shall be responsible for the expenses. If he is personally unable to defray the amount, his kinsfolk shall be held responsible. But if a dishonest individual claim is brought into court which the punchayet knew about but did not disapprove, their conduct in not advising him but letting him proceed alone in the matter is reprehensible, and the expenses incurred through his action shall be apportioned amongst the punchayet. (1741)

In a contested lawsuit or in a petition case, the expenses of the parties at the hostels to which they have been remanded by the court for the time during which the official investigation is being held, for which expenses the respective villages are responsible, shall be apportioned (amongst the villagers) according to the land-assessment of each village.

In individual lawsuits and petitions only the party himself must pay. In case such party be sentenced to punishment by the court, he alone must defray the amercement.

Provision for cases of breach of the peace (*rō-seki*) or insolence (*i.e.* by a samurai) of which the farmers have taken cognizance and have arrested the offender and brought him before the magistrate, incurring travelling and hostel expenses at Yedo :—

Such expenses shall be defrayed by the government. In case voluntary information of the matter has been lodged from an outside source, or if it has been brought by petition before the authorities by other parties, then in case expenses have been incurred by the magistrate or the official Deputy in sending to arrest the offender, the case not having been taken cognizance of by the village concerned, such remissness being reprehensible, the official expenditure so incurred shall be levied on the whole village in proportion to individual incomes. (1743)

Reimbursement expenses due to the government or to the Land-reeve (*Jiō i.e.* daimyō); also expenditure incurred on account of the village community, as well as expenses attendant on litigation by or on behalf of the village, shall be collected by assess-

ments according to the amount of the annual land-tax at which the village is rated.

But supernumerary farmers (*irisaku*; i.e. those who being domiciled in a different village, nevertheless have separate holdings in the territory of the litigant village) are to be included amongst the contributories. (1720)

In populated places which have no annual land-tax assessment (*taka*) to pay or only a small one, such as hamlets on mountains or moors, or sea-coast fishing villages, or salt-making beaches, the above government expenses and litigation expenses are to be collected by a personal levy, according to the register of inhabitants (*nin-betsu*), and employees in any household are to be included in the count of heads.

But wives and children are not to be included in the count.

As regards such places as mountains and forests and moors and wilds, which two or more villages make use of, when a payment on account of government reimbursement or general village requirements, or litigation expenses of one of the villages is to be made, the supernumerary farmers are to be made contributories in proportions to their holdings. (1720)

25.—PUNISHMENT OF THOSE WHO HARBOUR IN THEIR HOUSES
PERSONS FROM ANOTHER LOCALITY WITHOUT HAVING
THEM ENTERED IN THE REGISTER OF INHABITANTS.

When an outsider, without being entered in the local register of inhabitants, is allowed to stay in a place, both the person himself and the inhabitant who keeps him are to be sentenced to expulsion:

The mayor (*na-nushi*) of the village is to be heavily fined; and the head of the punchayets (*kumigashira*) is to be fined.

26.—PUNISHMENT OF BRIBERY.

Any one who, in connection with a lawsuit, a petition to

the authorities, or a contract for the undertaking of some public work gives a bribe, or who as intermediary conveys a bribe, is to be sentenced to minor deportation.

If, however, the person who takes a bribe afterwards gives it back and reports the matter to the government, the giver of the bribe and the intermediary who conveyed it, if they be village functionaries, are to be deprived of their office ; and if he (or they) be an ordinary farmer he is to be sentenced to a fine.

27.—CONFISCATION OF THE ESTATES OF CONVICTED CRIMINALS.

When any one has been sentenced by the government to crucifixion, burning to death, gibbetting, capital punishment or banishment, his lands (*lit.* wet fields and dry fields *i.e.* for rice and for upland crops), his house and house-plot and moveable property are all to be confiscated. When the sentence is to medium deportation, the lands and house and house-plot are to be confiscated ; when to minor deportation the lands only are to be confiscated ; but the moveable property (*lit.* house-valuable) is not confiscable in cases of either medium or minor deportation.

If an accused person should die of disease during the investigation of his case, the inquiry must nevertheless be prosecuted to a conclusion, and if he would have been liable to punishment the decision to that effect is to be recorded, and further action in the matter is to be referred to the government for instructions ; and on instructions being given to that effect, sentence of confiscation of the deceased's estate is to be pronounced accordingly. (Customary and Supplemental, 1745)

In case of killing or wounding in a duel it is not necessary to confiscate the estate. With that exception, when wounds have been inflicted mainly from an avaricious motive, and the offender is punished with expulsion to beyond ten *ri* from Yedo, and also even when the punishment is only domiciliar expulsion, the lands, house-plot and house are to

be confiscated. But confiscation is not to follow the punishment if the wounding was not prompted by a greedy motive.†

(1744)

Effects belonging to the wife and children and, apart from those, articles connected with the family worship (*lit.* the domestic altars; i.e. the *butsudan* and *kamidān*) are not to be interfered with.

(Customary)

Even stipendiary samurai of the Shōgun (*go fuchinin*), punishable by major deportation or more severely, are subject to confiscation in like manner. If punishable only by medium or minor deportation, only the house and house-plot are to be confiscated; the household effects (i.e. the mats, sliding doors, &c. *tategu, tatami*,) not being included.

(Customary)

When a farmer belonging to a private fief (i.e. of a daimyō) is punished by the (Yedo) government (*Kōgō*) and his lands, house and house-plot are subject to confiscation, the *jirō* (i.e. the daimyō as land-reeve) is to be informed that he is to confiscate the estate.

(1740)

If, however, the lands of the convicted person are mortgaged, the mortgage deed must be scrutinized, and if it is found that the lands are really legally mortgaged, they are to be sold, and out of the purchase price the principal (but not the interest due) of the mortgage debt is to be repaid to the mortgagee. Should the money received for the lands be insufficient to meet the original mortgage debt, the land itself is to be conveyed to the mortgagee. If, however, the land was burdened with any arrears of taxes, these arrears must be first paid out of the purchase price when the land is sold, and the mortgagee's claim of the principal of the debt liquidated out of the balance. Of course the mortgagee must bear the loss if the money be insufficient to meet his claim.

(1743)

When a husband is sentenced by government to a punish-

† Needless to say, this clause is meant to apply only to offenders of the two-sworded class, the samurai.

ment involving confiscation of his estate, his wife's dowry, whether in money or in lands and house-plot is also to be confiscated. But such lands, etc., as are held for the wife in her own name are not to be confiscated.* (Customary)

When confiscation is ordered consequent on a conviction for crime, or by reason of the offender having absconded, any debts due to the offender, whether for money lent or for unpaid price of goods sold on credit, on promissory notes or as balance of account current, are not to be collected by government from the debtors.

But if the creditors try to act dishonestly as regards payment of such debts (to the heirs or personal representatives of the condemned, *myōseki sōsokumin*), they are to be made to pay up. (1741)

Whenever a house and its site (*iye yashiki*), whether in the country or in a town, has been hypothecated, and the owner has been convicted of an offence involving confiscation of his site, and the mortgagee applies for payment of the money advanced by him on the security of the premises, his contract deed is to be carefully scrutinized, and if it be found in order, the matter is to be dealt with as if it had been a land mortgage.† (Supplemental, 1745)

28.—PUNISHMENT OF FARMERS WHO PERSIST IN URGING PLAINTS AGAINST THE *Jilō* (I.E. THE DAIMYŌ, THEIR LANDLORD) AND AFTERWARDS BAND TOGETHER AND RUN AWAY.

The ringleader is to be beheaded, the village headman to be sentenced to major deportation; the foreman of the punchayets of the village to be expelled and his lands sequestrated; and

* When the wife's dowry was in land it was registered in her village-mayor's register as belonging to her and could not be dealt with by the husband.

† In old Japanese law and custom the house was not an immoveable, nor legally attached to the site on which it rested. Constructed mainly of wood, without a foundation in the soil, it was a chattel, not realty.

the whole body of farmers to be fined in proportion to the tax-assessment of the village.

If, however, there was injustice in the *Jitō's* orders, the punishments may be mitigated one degree or two degrees according to the particular circumstances, on a report and recommendation to that effect being made (to the *Hyōjōshō*). In case the farmers had duly paid their taxes without arrears, it is not necessary to inflict severe punishments. (1745)

If, when the farmers of several villages have banded together, either to make a disturbance by persisting in urging their plaint on the daimyō, or to run away (leaving their farms), the headman of a village or the foreman of punchayets or some other such person should check the movement and refuse to join in it, then the person who (in such dissenting village) has taken the most trouble in preventing the disturbance from spreading, whether he be the headman of a village or the foreman of the punchayets, shall receive a money reward from the government, shall be entitled to wear two swords during his life-time, and he and his descendants may bear a surname (*myōji*).

But if the circumstances of the case were not very seriously urgent, only the government's money reward is to be granted. (Customary)

29.—OF SENTENCES OF BANKRUPTCY.

The debtor's land, both wet-fields and dry-fields and house plot, and his house, store-house and house-gear are to be taken in satisfaction of the debt. (Customary)

If he has houses or store-houses elsewhere, these also may be taken in execution. But there must be a careful examination and statement of the accounts on both sides; and if it should appear that there is still a deficit on the amount due to the creditor, such balance is to constitute a claim against any property which the debtor may afterwards acquire; whilst, on

the other hand, if there should be a surplus after satisfaction of the judgment debt, such balance is to be handed over to the debtor. When the debt is for a loan contracted by a tenant farmer, the bankrupt's land, wet-fields, dry-fields and house-plot are to be handed over to the creditor, who shall repay himself out of the yearly produce until the debt is extinguished, and then hand over the land to the original land-holder.

(1742 and 1743)

When the bankrupt is the lessee of a shop, the house-gear (fixtures and furniture) may be taken in execution. If, however, he rented only the land and built the house himself, the house itself as well as the house-gear may be taken in execution.

(1721)

30.—PUNISHMENT OF THOSE WHO SELL AND BUY IN PERPETUITY (I.E. OUTRIGHT) AGRICULTURAL LAND; AND OF THOSE WHO HOLD LAND CLANDESTINELY.

The seller outright of a farm, whether of wet-fields or dry-fields, is to be fined; the village-headman (*nanushi*) who affixes his seal to the deed of sale is to be deprived of his office; and the witnesses are to be reprimanded.

(Customary: re-affirmed 1744)

The buyer is to have the land so bought taken from him.

(1738 and 1744)

Lands other than the above, to the sale and purchase outright of which no objection need be taken are as follows:—

Newly opened fields, wet or dry, which in consideration of their having been freshly brought under cultivation have been for a term of years excused from land-tax: likewise lands belonging to free lances (*rōnin*) or to samurai. (Customary)

When a mortgage is given on agricultural land and the mortgagee enters into possession and cultivates it, paying the annual land tax and services due by the mortgagor, the latter is to be fined; the mortgagee is to be fined and deprived of the

land; the village-headman who by his seal authorized the transaction is to be deprived of his office, and the witnesses to the deed are to be reprimanded. (1687 and 1744)

Clandestine holders of land are liable to medium deportation. (1742)

31.—DISPOSAL OF MORTGAGE-LAND CASES IN WHICH THE MORTGAGEES ARE CULTIVATING TENANTS. (*Kosaku.*)

When ten years have elapsed after the expiry of the term fixed by the mortgage agreement, the land is to belong to the mortgagee.

But if it was not stipulated in the mortgage deed that the land should be forfeited in case of non-payment within the term fixed, the mortgagor may, within ten years after the expiry of the (short) fixed term, bring a suit; and then a settlement will be ordered by the court (i.e. on repayment of the principal and interest due on the loan). (1737)

If the suit is brought by the mortgagor within the fixed term, claiming restitution of the land on payment of the mortgage debt and interest, the judgment is to be given in his favour, to take effect on the expiration of the fixed term (not before). (Customary)

When the mortgage agreement was not for a fixed term, but was to be cancelled at any time on repayment of the loan and interest to date, and the mortgagor sues for recovery of possession, if ten years have elapsed since the date of mortgage deed, judgment is to be given for the mortgagee. (1737)

If the term for repayment fixed by the mortgage-deed was more than ten years, a suit concerning it is not to be entertained.

(1737)

If suit is brought on a mortgage deed which is improper on the face of it, as not specifying clearly the name and locality, the quality or the measurement of the land mortgaged, or as not bearing the endorsement of the village mayor (*namushi*), it

is not to be entertained by the Court, no matter what term of years may be named in it: the mayor is also to be fined. But if the mayor was not cognizant of the fact of the mortgage having been made, he is not to be held culpable.

In such cases, however, the court may, with the consent of both the money lender and the landholder, have the mortgaged land properly ascertained, and thereupon order the mayor to have the appropriate entry made in the irrigation-register of the village. If (when the parties to the transaction belong to different villages) the endorsement of one of the mayors is wanting owing to there being no mayor in the (mortgagor's) village, but the deed bears the endorsement seal of the head of the punchayets, the case may be regarded as coming under the ordinary law and the court may entertain and adjudicate on the suit. (1743)

When the term of the mortgage* has expired and the mortgagor has not redeemed, and the land has, according to the terms of the deed, become the mortgagee's, if suit (for recovery) is brought (by the mortgagor) after more than two months from the expiry of the term have elapsed, judgment is to be given in favour of the mortgagee.

If the expressions in the mortgage deed referring to failure of repayment are "in case of my not redeeming, the land is to be at your disposal in perpetuity," or "my children and grand-children shall have no concern with the land," or again "by virtue of this deed the land shall be at your disposal," or "it shall be registered in your name," or such like expressions, the transaction shall be construed as virtually a complete mortgage and the land adjudged to the mortgagee.

If a mortgagor who has recovered judgment on condition of repaying the amount of the original loan (without the interest) again fails to repay, the land is to be declared forfeited, and to be made over to the lender of the money. (Customary)

* When the terms of a deed are clear as to the mortgaging of

* Usually 5 or 7 years.

the land, but the stipulations as to the *kosaku* (i.e. the proportion of the crop to be paid to the lender by way of interest) are not as they should be, the judgment is to be for the mortgagee as regards the possession of the land, but no order is to be made by the court as regards the arrears of the interest payable in kind (*kosaku*). (Customary)

When mortgaged land is further mortgaged to a third party with the consent of the original mortgagor endorsed on the second mortgage-deed the court is to order the original mortgagor to repay the loan and settle with the sub-mortgagee.

(Customary)

But if, on the occasion of the second mortgage, the amount borrowed was larger than that of the original one, the intermediary mortgagee-mortgagor is to be ordered to pay the difference in excess. (1741)

If glebe land (lit. vermilion seal land) of a temple or shrine is mortgaged or any part thereof, even for a building site, on condition of assignment (*yusuri-wataslu*) to the mortgagee in case of non-repayment of the loan, the punishment (of the dishonest incumbent) is to be deportation to beyond ten *ri* from Yedo.

The mortgagee is to be ordered to reconvey the land (to the temple or shrine) and in addition is to be heavily fined.

(1741)

In case the interest in kind payable by a mortgagor falls in arrear he is to be ordered by the court to pay punctually as stipulated in the deed, and on failing to do so is to be declared bankrupt.

(1741)

Payment is to be made in kind from the crops, or in money, as may be provided in the agreement between a mortgagor and mortgagee or between the owner of land and the tenant farmer who cultivates it. (Supplemental, 1745)

Even though there be no stipulation by the mortgagor in the deed for payment in kind (as interest on the loan) yet if the mortgagee is receiving payment in kind (*kosaku*) from some

third person (i.e. as rent for the use of the land mortgaged to him) and the mortgage deed is in correct legal form, and the mortgagee sues for payment at the end of the term (of 3, 5, or 7 years) he is to recover judgment for the original amount of the loan, but not for any arrears of *kosaku*. The cultivating tenant (*kosaku-nin*) is of course to be ordered to restore the land to its original mortgagor. (Supplemental, 1745)

But if the borrower only hypothecates the land, and continues to cultivate it by private arrangement with the lender, without any deed stipulating the amount of *kosaku* to be paid by way of interest, and the lender sues for assignment to him of the land, the matter is to be dealt with as one of pledge (*kaki-ire*) merely, and even if the deed purports to be a mortgage he is not to recover judgment on it as such. (Customary)

Even if there be no separate deed fixing the amount of *kosaku* (i.e. the proportion of the annual crop payable by way of interest on the loan) yet if this point is endorsed on the mortgage deed itself the mortgagee is to recover judgment both for the principal and interest, whether payable in kind or in money.

(Customary)

When a cottier tenant (*ya-mori*) falls into arrears of his rent (*kosaku*), and is properly guaranteed by bond, both he and his guarantor are to be ordered by the court to pay; and if they fail to do so, they are both (on further suit); to be adjudged bankrupt.

(Customary)

When a mortgage deed stipulates that only the government land-tax (*nengu*) is to be defrayed by the mortgagee, whilst the various feudal services (*sho-yaku*) are to be discharged by the mortgagor, on a suit being instituted during the currency of the term of the mortgage, the court shall order the bond to be rectified into accordance with the established law (i.e. that both the land-tax and the services [*corvée* etc.] are to be discharged by one and the same party); and the mortgagor is to be reprimanded; the mortgagee is to be fined; and the village-mayor who authenticated the bond with his seal is to be fined.

But if the term of the mortgage agreement has expired, the mortgagor is to be allowed a period of two months from the date of expiry to redeem and get back his land: if within that time he fails to do, the land is to be adjudged to the mortgagee. In either case the penalties as above prescribed for the irregularity of the agreement are to be imposed. (1741 and 1744)

The same judgment as above is to be pronounced by the court in cases in which the mortgage-deed provides that half of the mortgaged land is to be cultivated by the mortgagor and the land-tax and services payable on the whole of it are to be defrayed by the mortgagee. (Ditto)

If, whilst continuing to hold the land in his own name, a mortgagor has agreed to pay rent (*kosaku*) to the mortgagee for 20 years or upwards, he is to be adjudged to be a tenant in perpetuity (*ei-kosaku*) at the same rent. (Customary)

If, within the term of a mortgage loan, the amount of the original debt is paid off privately, and at the expiry of the term a suit is brought by the mortgagee for balance due, the money is to be paid back to the mortgagor and the land is to be adjudged to the mortgagee. (1744)

If a suit is brought by the mortgagee of land which, by agreement, the mortgagor continues to cultivate as tenant and who is in arrears with his rent (*kosaku*) he is to recover judgment for the amount in arrear only (not for forfeiture of the land).

But if the mortgagor again fails to pay his dues punctually as per the judgment order, the land is to be taken out of his possession, and the tenancy to be transferred to the disposal of the mortgagee. (Customary, Supplemental)

When, in a suit for payment of the amount of a mortgage loan together with arrears due by the mortgagor-tenant, the court orders payment to be made within a fixed date, the judgment is to be for repayment of the amount of the original loan irrespective of the amount of arrears of rent that may be due on it. (do. do.)

32.—THE TIME-LIMITS TO BE ALLOWED (BY THE COURTS) FOR
DISCHARGING ARREARS (OF MONEY OR RICE DUE AS
INTEREST ON MORTGAGE LOANS.)

When the arrears are under 5 <i>ryō</i> in money or 5 <i>koku</i> of rice ;	The time for payment. to be 30 days.
For arrears over 5 <i>ryō</i> or 5 <i>koku</i> but under 10 ;	" 60 "
For arrears over 10 <i>ryō</i> or <i>koku</i> and under 50 ;	" 100 "
For arrears over 50 <i>ryō</i> or <i>koku</i> and under 100 ;	" 250 "
For arrears over 100 <i>ryō</i> or <i>koku</i> ; ...	" 10 months (inclusive of an inter- calary month).
For arrears over 200 <i>ryō</i> or <i>koku</i> ; ...	to be 13 months (an intercalary month to count).

If payment is still in arrear after the delays allowed in above scale, the land is to be made over to the mortgagee.

But the court may take into consideration the mortgagor's means and arrange with the parties for a slight enlargement of the time in certain cases. (Customary)

33.—ADJUDICATION IN MONEY DEBT CASES.

When money is due under any of the following heads,
viz :—

Money loans ; money borrowed from temple funds ; money borrowed from official funds ; money borrowed on hypothec of land or houses ; *tate-kaye-kin* (i.e. money which a third party has paid to one's creditor) ; money borrowed from the funds accumulating from land-tax and other government dues in the hands of the collectors (i.e. the village headmen), wages of artisans overdue ; bargain-money on sales ; dower-money of brides and adoptive sons-in-law and of adoptive sons ; price of

goods sold on credit; short-term loans (*shi-ire-kin*); advances on deposit of tools and implements; price of articles sold and delivered; money borrowed on bonds of various kinds (i.e. negotiable instruments); debts contracted by *Goke-nin* (i.e. ordinary retainers of the Shōgun) or the factors who manage the Shōgun's commercial affairs (*Go-yō-datsu*), on the security of rent accruing from the letting of house-plots (*yasuki*) granted to them by the government, or shops erected by them on such properties;

All such debts of the above kinds as are outstanding since the first year of En-kyō (1744)* are, when sued upon, to be dealt with by the courts on the 4th and 21st days of each month; and the debtors are to be summoned and ordered to pay within thirty days. If they on the above dates are able to pay even a small part of their debts, they are to be allowed to pay up by bi-monthly instalments. If after that they delay in making payment they are to be made bankrupts.

If, however, on being summoned before the court they fail to appear or, on appearing, make excuses for further delay, they are, if samurai (*bushi-kata*), to be reported to the Council of State (*Go-rōju*); if ecclesiastics or townsmen, to be subjected to public reprimand (*togame*)†. On the other hand, unprincipled money-lenders are to be subjected to rigid investigation, and may be publicly reprimanded with a degree of severity such as the circumstances may warrant.

Money due to lessors of sites for building or of houses is to be paid within thirty days from date of judgment. (1746)

If the rent due of the above two kinds is not paid within the period fixed by the judgment order, it may, on further suit, be made payable by instalments; and if not paid even then, the debtor is to be made bankrupt. (Customary)

When a number of persons are co-signatories of a deed

* A period of two years.

† i.e. by house-closure, hand-cuffs, fine, etc

(i.e. a contract) for the execution of some undertaking, and a suit regarding the division of the profits amongst the joint signatories is brought by any of them against others, such a suit is not to be entertained, being a matter of company adjustment (*nakama no koto*). (Customary)

The same principle applies to disputes about the apportionment of money taken by owners of theatres. (Customary)

Likewise as regards money raised by the holding of lotteries. (Customary)

Even if the distribution has been agreed upon by a regular deed (*shūmon*) such a suit is on no account to be entertained, seeing that such matters have been decided to be company affairs. (1741)

No suit relating to any of the following matters is to be entertained by the courts :—

Entries in a merchant's journal of money lent or paid or goods delivered, such entries not being attested by the seal of the other party.

Money bonds not bearing the name of the lender and date of the loan.

Interest on money bonds which have appended to them a note of the rate of interest to be paid, such note not being attested by the seal of the borrower.

Deeds of mortgage of land or hypothec of houses or deed of indebtedness of any sort where the party suing is not the party named in the deed.

Even if it is alleged that the suitor has lawfully acquired the deed sued upon, such a plea is not to be admitted unless clear proof of it is furnished to the court. (Customary)

As a general rule suits on loans secured by hypothec of houses (*yabichi*) may be entertained, but when the interest charged on such loans is over fifteen per cent. per annum it is to be reduced by the court to fifteen per cent. (1741)

When suits are instituted by farmers as a party litigant for

money alleged to be due, and it is averred that the loan was for the use of the *Jiō* (i.e. their land-lord, the daimyō) such averment is not to be admitted as proven unless the loan-bond is endorsed by the *Jiō*'s own seal and is counter-sealed by his officials (*yaku-nin*). (Customary, Supplemental)

34.—CASES OF MONEY CLAIMS TO BE DEALT WITH BI-MONTHLY ON FIXED DAYS.

The courts are to hear and adjudicate cases of debt on the 4th and 21st days of every month.

On the fixed days twice a month for the hearing of such cases no other kind of cases are to be taken up, and on the same days judgments in the cases of debt are to be delivered.

35.—INSOLVENCY OF DEBTORS.

When a debtor is insolvent and some of the creditors are opposed to a composition, judgment is to be given in favour of the creditors who are willing to compound, and the dividend is to be paid over to them. Of course if the debtor should again become solvent he is to be ultimately liable for payment of the balances both to those creditors who compounded and those who refused to join in the composition. (1741)

36.—DISPOSAL OF CASES OF HYPOTHECATION OF DWELLINGS, OR OF BOATMEN'S LODGING-HOUSES OR BARBERS' SHOPS.

When a house (i.e. the wooden structure, apart from the ground on which it is erected) has been hypothecated as security for debt, judgment is to be given for payment by proportionate instalments irrespective of the time previously fixed for payment. (Customary)

If default is made in payment of the instalments the house is to be made over to the creditor; and the rent due in the interval allowed by the court for payment of the instalments is also to be paid to him. If, during the period of the hypothec

loan, the rent falls into arrears for more than three months, a suit for payment of the arrears is to be entertained by the court.

(1720)

Time-limits to be allowed from date of judgment for payment of arrears of loans secured by hypothec of houses.

When the amount due is:—

Under 30 <i>ryō</i>	40 days
Over 30 <i>ryō</i>	60 days
Over 50 <i>ryō</i>	80 days
Under 100 <i>ryō</i>	150 days

If over 100 *ryō* the excess is to be reckoned in accordance with the above scale.

(1742)

If over 1000 *ryō*, twelve months delay is to be allowed, an intercalary month to count as one.

(1720)

Rent for the use of the house is also to be paid to the lender during the delay allowed for repayment of the arrears of loan.

(1720)

If the donee of a mansion (i.e. both site and building) from the Shōgun hypothecates it as security for a loan of money, and a suit is afterward brought against him in court, he is to be sentenced to home-imprisonment (*oshikome*) for 100 days, and the site is to be taken from him (leaving him only the building). Even if he grants only a lien (*kabi-ire*) on this mansion, the rule is to be the same as if he hypothecated it (*shichi-ire*).

(1742)

When liens are given as security for loans on barbers' shops and their good-will of the business, or on boatmen's lodging-houses (*funa-doko*), the deeds (*shōmon*) recording the transactions are to be construed as if they were hypothecs of houses (*yabichi*) and the delays to be allowed for repayment of arrears are to be on the same scale.

If after allowance of such delay the debt remains unpaid the article named in the bond is to be handed over (to the lender).

(Customary)

If articles belonging to a temple or shrine are pledged as security for a loan, or if they are sold, the borrower is to be expelled from his church membership; (*tsui-in*) the witness to the bond, if a churchman, is to be disciplined; if a layman, to be hand-cuffed (*hissoku* 通塞).

The lender, as being party to an improper transaction, is not to recover judgment for his money. (1744)

Money borrowed on the actual pledge (possession given) of a valuable commodity is to be construed as equivalent to the hypothec of a house, and the delay to be allowed for payment of arrears after judgment is to be on the same scale in accordance with the amount due. (Customary)

Money drafts and bills (*kawase-kin*) are to be regarded as equivalent to the hypothec of houses, and the time for payment of such overdue bills is to be on the same scale, according to the amount; (i.e. the larger the amount the longer the time to be allowed for payment.)

If payment be not made within the delay allowed by the judgment order, the goods are to be returned to the payee of the draft, in the same way as a house under hypothec. (1744)

37.—PUNISHMENT FOR MAKING A SECOND MORTGAGE, HYPOTHEC OR SECURITY ON THE TOP OF A PREVIOUS ONE.

The mortgagor who effects two mortgages on his fields or on his house plot and house is to be sentenced to medium deportation, the village headman who affixes his seal to the deed, to minor deportation, and the witness is to be expelled (from the village). (1742)

Cases of double hypothecation are to be dealt with in the same way. Fields, building plots and houses are to be adjudged over to the first lender of money on them; for the subsequent lender the borrower's personal property (*ka-sai*) is to be seized and handed over. Both the village headman and the witness to the subsequent hypothec if they knowingly received a money

gratification (*rei-kin*) are to be sentenced to medium deportation. If the second lender was aware of the previous hypothec and knowingly accepted a deed to secure his loan whether of mortgage or of hypothec, he is to be deported to beyond a radius of ten *ri* from Yedo. (1742 and 1744)

Persons who have received money in payment for goods sold but have not delivered the goods to the buyer and sold them again to another party; or who have received possession of goods to be forwarded to another party and have pledged them; or who have embezzled money paid to them for goods sold on behalf of another party:—

If the money was over ten *ryō* in amount, or if the value of the goods so wrongfully disposed of was over ten *ryō* in value, are to be put to death:

If the money was under ten *ryō* in amount, or the goods altogether amounted to under ten *ryō* in value, the punishment is to be branding (*ire-sumi*) and beating.

In the first instance, however, the wrong-doer is to be sentenced to imprisonment; but if he is able to make good the amount, or if he can raise it by business methods, he is, after settling the claim, to be expelled from Yedo if the amount was over ten *ryō*; if under ten *ryō*, to be expelled from his domicile.

If amongst the purchasers of the wrongly disposed of goods there be any who bought them without taking proper care (as to the rightness of the purchase) his goods are to be confiscated by the court. (1744)

38.—PUNISHMENT FOR BUYING AND SELLING GOODS FREIGHTED IN A GENERAL CARRIER SHIP; AND FOR WRONGFULLY TAKING POSSESSION OF CARGO IN TRANSIT DIRECT TO A GIVEN PORT.

If from the goods carried in a ship that plies between several ports (*kuwai-sen*) any are taken out and sold at a way-port, both the seller and the buyer are to be sentenced to a heavy fine.

Both the goods and the money paid for them are to be seized by the court and the goods to be restored to the shipper.

In case goods are wrongfully appropriated in carriage under the pretext that they were jettisoned or lost by shipwreck, the master of the ship is to be beheaded and his head gibbeted; the super-cargo to undergo the same punishment; and the pilot, after being tatooed, is to be severely beaten.

Although in the course of the investigation of such cases a port-certificate may be produced by the defendant ship, yet if the ship's appearance is not quite in accordance with the document of the port officials, and it is clear that she cannot have suffered so severely from weather as alleged by way of excuse for jettisoning cargo, the ship-master is to be fined ten *kuwan-mon*, and the super cargo is to be fined the same amount; but the pilot need not be dealt with. (1742)

When some goods have been really jettisoned in order to save the ship, but the remainder of the cargo was afterwards stolen, and the master of the ship in collusion with the village headman of the place divides the salvage between them, after giving a port certificate of total jettison of the cargo, the headman is to be beheaded and gibbeted on the spot.

When the above surreptitiously salvaged goods are put into a store-house, and after being kept for a while hidden, are afterwards partitioned, those who participate in the division are to be sentenced to capital punishment.

When, in like circumstances, the inn-keeper with whom the ship-master takes lodging, in collusion with him, entices people of the village to participate and divide the goods amongst them, they are both to be transported.

Those of the farmers who at the same time lend their support and assist in taking away the goods, and participate in the distribution of them are to be sentenced to major deportation. (1743)

When, in like cases, the whole of the farmers of a village divide the salvaged goods amongst themselves, the goods are

to be confiscated and a heavy fine levied on them in proportion to the land-tax assessment of the village. (Customary)

39.—PUNISHMENT OF THOSE WHO EFFECT MONEY-LOANS AT CENT. PER CENT. INTEREST PER ANNUM, AND OF THOSE WHO EFFECT LOANS BY BLANK BONDS (I.E. RECEIPTS, PROMISSORY NOTES, I.O.U.S., ETC., DULY SIGNED, SEALED AND WITNESSED BUT THE AMOUNT NOT STATED).

When a loan is contracted on the security of land, or in any other circumstances, and the bond promises repayment of double the amount, or the amount is not stated, leaving a blank space to be filled in afterwards, and a suit is afterwards brought by either party, such irregular transactions are to be reprobated and the plaintiff is to be non-suited; and both the parties and the witness to the bond are to be fined.

In such cases the fines to be levied both on the money-lender and on the borrower are to be specially heavy, regardless of precedent, and in proportion to the pecuniary status of each. (1741)

40.—PUNISHMENT FOR BORROWING MONEY BY MEANS OF FORGED DOCUMENTS OR FALSE AVERMENT.

Any one who borrows money by means of a bond which will not bear disclosure, or who forges the name and seal of the authority to whom he is subject, or who, without due authorization, makes use of the name of some personage as being concerned in the transaction, and borrows money by means of such fraudulent bond, such forger is to be sentenced to capital punishment.

If the lender of the money was aware of the fraudulent nature of the transaction he is to suffer the same punishment.

(1732)

41.—HOW (SECRET) ASSIGNMENTS OF CITY MANSIONS (*yashiki*) ARE TO BE DEALT WITH.

When a city mansion has been taken over from an assignor and no notice of the fact given to the public, nor change of names recorded at the ward-office, if any suit afterwards arises in connection therewith, the mansion is to be confiscated.

(1720)

42.—PUNISHMENT OF DEFAULTING SERVANTS AND THEIR GUARANTORS.

In case a servant (after receiving his wages in advance) leaves his place before the proper time, and a claim is made for the balance of wages unearned, the court must order the guarantor (*uke-nin*) to pay the balance within ten days. (1719)

If, after the lapse of the ten days, the guarantor pays half the amount of the claim, he is to be again allowed ten days to complete the balance: should he fail thereafter to do so, he is to be declared bankrupt. If the master's suit is against both the guarantor and the patron (*jin-shu*) of the defaulting servant, both are to be included in the sentence of the Court.

(Customary, and 1743)

The same rule is to apply when the servant has for his patron (*jinshu* 人主) some one in the service of a *bushi* (i.e. a samurai).

(1726)

And the consequences of failure to make good the judgment debt are to be the same in this case also.

(1743)

When a suit for recovery of over-paid wages is brought, and the master suing gives notice of the facts to the owner of the house occupied by the guarantor of the runaway servant, and takes from him a security bond for the amount claimed, if, thereafter, the guarantor of the servant runs away, the land-

Note.—The custom was to pay a servant a year's wages *in advance* and to take a bond from his or her guarantor that the period of service would be fully completed.

lord of the runaway guarantor is to be ordered to pay the amount due and to institute search for the runaways.

But the landlord, after thus disbursing the money due by the runaway guarantor of the servant, is not to be allowed to recoup himself by suing the surety who made himself responsible for the rent payable by the runaway guarantor when the latter leased the house.* (1744)

If a domestic servant, having fallen ill, is sent away (lit. sent down) to his lodging and, after recovering his health, fails to return to his master, but goes out to service somewhere else, then if the wages he received in advance are not repaid to the master, the guarantor's property is to be confiscated by the government, and he is to be expelled from Yedo, and the servant is to receive the same punishment.

(Supplemental) And even if the wages are repaid to the master, the guarantor is to be fined and the servant to be handcuffed. (1742)

If the runaway servant makes off with the master's goods, or goods for which the master is responsible to others, he is to be handed over, when caught, by the master to the guarantor and a bond is to be given by the guarantor for the amount. If, thereafter, the servant again runs away, the guarantor is to be ordered by the court to make good both the value of the master's own property taken by the runaway and also the value of the property for which the master was responsible.

But the guarantor is not to be held responsible to such extent unless he had given his bond to that effect to the master of the defaulting servant; but he is to be made responsible for the search and discovery of the runaway. (Customary)

When a servant runs away, his guarantor is to be ordered

* The servants dealt with in the foregoing sections were non-residents, who repaired every morning to the master's residence and withdrew to their own lodgings at night. Hence their wages were paid in advance in a lump sum, either for a whole year or for a half-year. In the next clauses domestic servants resident in the master's house are dealt with.

to find him within thirty days, and if, after three extensions of this term, he fails to produce him, he is to be fined.

If the runaway also carried off goods with him, the term for search is to be renewed six times. (1719 and 1741)

If the runaway sells the goods which he has carried off, the buyer is to be ordered to deliver them up to the owner.

If, however, it was money that he made away with, and if it clearly appears that he spent it, the loss must be deemed irrecoverable. (1719)

If the guarantor, or the legal sponsor* (*jinslu* 人主) of a dishonest runaway servant, being cognisant of his dishonesty, nevertheless conceals him, their punishment is to be expulsion to beyond ten *ri* from Yedo. (1741)

When the guarantor of a defaulting servant has discharged the runaway's debt and sues the sub-guarantor for the amount, the latter is to be ordered to pay it within twenty days. (1743)

When the guarantor of a runaway servant finds him out, and hands him over in charge to his (legally responsible) hostel, the latter is to be ordered to repay within twenty days the wages disbursed by the guarantor to the runaway's master.

If a servant has been temporarily put in charge of his guarantor (owing to some misconduct or other misunderstanding with the master) and thereupon runs away, his hostel is to be ordered to pay for his board and all expenses during the time he was living with the guarantor. If any claims against the runaway were previously made good to the master by the sub-guarantor, the hostel (for shirking its responsibility in this respect) is to be fined. If, however, the master had obtained a formal bond of indemnification from the sub-guarantor, the latter is to be ordered to fulfil its terms. If, when a servant has run away from his place, his guarantor applies to the court to have him sent back to him, the guarantor (for purposes of enquiry etc.), the court must grant his application. (1743)

* The patron or legal sponsor, *jinslu*, was the person on whom the domestic employee, being *alieni juris*, was dependent.

In the case of an ordinary runaway servant, whether from a samurai master or from a townsman, who has been searched for and discovered (by his guarantor, in accordance with the court's previous order), he is to be handed over by the court to his guarantor for such further action as he may deem suitable, and if the master elects to receive the runaway back again into his service the court shall make an order accordingly. (1721)

If a runaway servant within three days after leaving his place commits an offence somewhere else, he is not to be dealt with as a runaway, but is to be handed over to his master for further disposal. (Customary)

(As regards the guarantors of servants) public general hostels for travellers are to be precluded, but special hostels for people of the same province may become guarantors for servants to the number of ten each, provided the persons guaranteed by the owner of the hostel are either his relatives or people of his own province with whose families he is well acquainted.

But if he guarantees more than ten persons as servants he is to be fined. (1741)

In case, when a suit is brought against the guarantor of a defaulting servant, it is found such guarantor has no guarantor for the payment of his own rent to the landlord of his house, the landlord is to intervene, and, after arranging a settlement of the master's claim, may enter suit against the defaulting guarantor for ejectment, and the court in such case shall sentence the guarantor to be driven away from the courthouse gate, and if he is afterwards found to be in occupation of a dwelling-house elsewhere, he is to be liable to be adjudged bankrupt at the suit of his former landlord. (1721)

Any person who changes his name (i.e. his personal and only name, e.g. Gombei, or Hachibei) and assumes to be the guarantor of a servant is to be sentenced to deportation to beyond ten *ri* from Yedo.

If such person, besides his fee for standing guarantor, re-

ceives a part of the wages paid (in advance) to the servant and then makes or lets him run away, he is to be decapitated. (1741)

In case of the sudden death of a coolie (*yori-ko*) member of a gang family*, which was evidently caused by some one, if it is treated as if it were merely a case of natural death (i.e. if not reported to the authorities), the gang-father (*oya-bun*) is to be expelled from the locality.

If the sudden death was evidently not caused by some one else, but yet is not reported to the authorities, the master (father) of the gang is to be reprimanded. (1741)

If one of a gang of coolies (*yori-ko*, lit. gathered children, day-labourers under a ganger designated *oya-bun*, parent-part) who has runs away comes to a place, and is accommodated with a lodging by a person who knows him to be a runaway but does not know of his being a thief, and who acts for him as the pledgor of such articles as he may have brought with him, but does not receive any share of the money loaned by the pawn-broker, such person (for his negligence) is to be deported to beyond ten *ri* from Yedo. (Customary)

If a servant becomes a thief runaway, and his guarantor or legal sponsor takes charge of the articles he has stolen and shares in the money got for them, or receives any money gratification from him for keeping secret his whereabouts, such guarantor or sponsor is to be decapitated. (1741)

Any guarantor of a servant who lets or causes him to run away, by collusion, is to be heavily beaten.

If the offence is repeated oftener than twice, he is to be decapitated. (1745)

If amongst the coolies guaranteed by a person or special hostel there occur seven cases of runaways who are not searched out and punished, such guarantor is to be expelled from Yedo. (1741)

If one of a group of associated hostel-keepers selects any

* The employer, (*oya-bun*) stood *in loco parentis* to each of his employees.

one of their coolies to be somebody's servant, becoming guarantor for him, and he runs away, then if the master acquaints the guarantor of the fact of the servant's disappearance and the court orders the guarantor to repay to the master the wages loaned to the servant, and the hostel-keeper himself then disappears, the court shall thereupon order the associated group of hostel-keepers to make good the master's claim of wages refund, and the landlord (i.e. the owner of the house rented and used as a hostel by the runaway guarantor) shall be held responsible for the search for and discovery of the missing guarantor, and failing to find him the landlord is to be fined.

(Customary, Supplemental)

If the patron (*jinsu*) of any one, out of friendship, and not being a member of a group of associated hostel-keepers, send him out into service and stands guarantor for him as such servant, not using his proper seal but only such other less formal seal as he may happen to have handy, and such servant runs away and is not sent back, or if instead of returning him to his master, such patron stands guarantor for him and again sends him out into service to another place, then if the wages paid by the (first) master are not repaid to him, the guarantor's estate shall be confiscated and he shall be expelled from Yedo; and the servant himself shall suffer the same punishment.

And even if the wages are repaid, the guarantor is to be fined, and the servant is to be hand-cuffed. (1744)

43.—PUNISHMENT OF RUNAWAY SERVANTS.

A servant who suddenly makes off with anything he finds handy must, if it be money over ten *ryō* in amount or articles amounting in value to over ten *ryō*, be decapitated; if under ten *ryō* in amount or in value, be tattooed and flogged.

(1741)

If, however, after being remanded to prison, the defalcation is made good, whether the amount be over or under ten *ryō*,

the offender's punishment may be remitted and his life may be spared if the master intercedes for him ; but he must be interdicted by the court from ever again living in Yedo. (1745)

Any one who, being sent on a message, makes off with what he is entrusted to carry must, if it was money over one *ryō* in amount or something of over a *ryō* in value, be decapitated ; if under one *ryō* in amount or value, be tatooed and flogged. (1745)

If, however, after being remanded to prison the defalcation be made good, the punishment may be remitted and his life spared on the intercession of the master, but the court must interdict the offender from living any more in Yedo. (1744)

Petty pilfering and running away, but without thievish intention is to be punished by flogging.

Any one who after receiving some wages does not repair to the master's house is to be flogged.

Any one who several times runs away from his place of service is to be severely flogged.

Any one who gambles with money belonging to his master is to be severely flogged. (Customary).

Any one who receives money on his master's account and fails to pay it over to him or otherwise account for it is to be punished by flogging from fifty to one hundred strokes according to the amount of the money. (1721)

But if the defaulter himself or his relatives, make a payment of a third or a fifth or even a tenth of the amount due, according to their means, the offender may be released from prison, and if afterwards his circumstances improve, his master may from time to time sue him for the balance until the debt is discharged in full. (1741)

44.—PUNISHMENT OF THOSE WHO ARE CONNECTED WITH RUNAWAY PERSONS.

Any one who secretly harbours a runaway person who has no one to guarantee him is to be fined. (Customary)

For concealing the ownership of a house or house-plot belonging to a runaway person whose estate was liable to confiscation the village-mayor is to be deprived of his office and fined five *kwammon*. The person left in charge of the house is to be heavily fined; the punchayet to which the runaway belonged is to be fined. (1744 and 1745)

When a husband has left his home, and his whereabouts is not known, if his wife desires to contract another union and petitions the court to that effect, she is to be allowed to do so provided ten months have elapsed since the month in which the husband left home. (1744)

45.—PUNISHMENT IN CONNECTION WITH THE CASTING AWAY OF CHILDREN.

When a foundling with money attached has been taken over (from the village authorities) and is again cast away alive the foster-father (who received the money) is to be led around for public exposure and then gibbeted.

If the foster-father kills the child or strangles it, he is to be led around for public exposure and then crucified.

(Customary)

If when a castaway child is found in one street it is secretly passed on and left castaway in a neighbouring street and the fact is afterwards found out, the perpetrator of the substitution is to be expelled from the place, his landlord is to be fined, his punchayet is to be fined, and the mayor of the ward is to be expelled from Yedo.

But if on strict investigation it is clearly proven that the mayor, the punchayet and the landlord were not cognizant of the fact, they are not to be implicated. (1743)

46.—OF SENDING OUT ADOPTED DAUGHTERS INTO SERVICE AS PROSTITUTES.

Suits regarding the sending out by lower class people

into service of adopted daughters as women of pleasure are not to be entertained by the courts, even when brought by the true parents.

For the fact of giving away the child to be brought up by low vulgar people implies that such may have been the intention of the actual parent; hence even though there may be a deed relating to the matter, such a suit is not to be taken up.

If, however, the foster parents have subjected the girl to extraordinary ill-treatment (so as to overcome her reluctance) the matter may be made the subject of a criminal investigation. Even the true parents of a girl, if their treatment of her overpasses legal limits, may be held criminally responsible and be suitably punished. (1733)

47.—PUNISHMENT FOR SECRET PROSTITUTION.

A secret prostitute is to be fined in proportion to her means and to be handcuffed for one hundred days; and during the interval the seal on the handcuffs is to be officially examined every second day. (1712 and 1745)

The same punishment is to be imposed upon any person who having employed dancing girls, allows them to practise secret prostitution. (1740)

Both the secret prostitute and the procurer mistress and the dancing girl or girls who practised prostitution are then to be sent for three years to the new public stews (*shin-yoshiwara*) in charge of some of the brothel-keepers. (1723 and 1740)

The guarantor and the patron (*jin-shu*) of a secret prostitute, are to be fined to the extent of confiscating two thirds of their furniture and effects. (1721 and 1745)

The householder who has let his house to a secret prostitute is to be fined according to his pecuniary means, and is also to be handcuffed for a hundred days and the seals on the handcuffs inspected every other day.

If such householder is the owner of any other houses or godowns he is to be ordered by the court to pay in (to the government) the rent of such buildings for the space of five years. (1722 and 1747)

The punchayet (in whose quarter the secret prostitute resides) is to be fined, and the mayor is to be heavily fined.

(1720)

The ground landlord is to be sentenced to the sequestration for five years of his house and house-plot, during which time the ground-rent and the house-rent are to be paid in to the government; and on the expiry of the five years the ground will be granted back to the original owner.

Even if the proprietor of the ground resides in a different locality, the above mode of punishment is to be enforced. If, thereafter, he again lets prostitutes be occupants on his property, the same measures are to be taken with him every time, no matter how often he transgresses.

The same measures are to be enforced even when the offender may be a stipendiary of the government (*go-fuchinin*) or a government business agent to whom a government mansion has been granted. (1720)

And the same measure is to be enforced even when the offender himself resides in another locality. (1740)

When secret prostitution is carried on in houses of streets in front of temples or shrines, the same punishments as above are to be enforced. (1744)

The incumbent of the temple or the hierophant of the shrine is to be reprimanded by the ecclesiastical magistrate, and ordered to keep himself in seclusion during the pleasure of the court. (1729)

When secret prostitution is carried on by any tenant of glebe land of a temple or shrine who has built his house of business on it, the same punishment is to be enforced. (1744)

And the incumbents or hierophants, etc., are likewise

to be held to blame and to be ordered not to appear in public during the pleasure of the court. (1742)

When secret prostitution is practised in the house of a man who keeps a shop for the sale of goods, but who, against the wishes of his wife, lets his daughter for hire, he is to be decapitated. (1745)

When, however, owing to extreme poverty, both parents, to avoid starvation agree to the daughter becoming a private prostitute, a strict investigation need not be undertaken, provided there be no charge of theft or other wrong-doing against them. (Supplemental)

Keepers of restaurants, tea-houses etc., who send out for dancing girls and allow private prostitution by their customers are to be expelled from their places. (Supplemental, 1750)

The house-owner of any such place is to be fined; the ground land-lord is to be severely fined. If, however, the land-lord is not resident in that locality, but is living some where else, he is to be reprimanded.

The mayor, however, and the punchayet are not to be held accountable. (Ditto)

If any one entices away from her home a woman who is a private prostitute, neither the man nor the woman is to be called to account.

Whether the woman elects to go to the man who has enticed her away, or to some other persons, she is to be allowed to do as she wishes. (Supplemental, 1721)

48.—PUNISHMENT OF ADULTERY.

A wife who commits adultery is to be decapitated.

The adulterer is to be decapitated. (Customary)

If the husband kills both his wife and the adulterer and the facts of the case are clearly proven, he is not to be punished. (1745)

If the husband kills only the adulterer and the wife escapes alive she is (when caught) to be decapitated.

If, however, the adulterer escapes, the husband is free to do as he likes with the wife. (Supplemental, ditto)

If an attempt is made to commit adultery against the will of the wife, or if a man steals into the home and is killed by the husband and clear proof is furnished of the adulterous attempt or intent, neither the husband nor the wife is to be punished.

A go-between who arranges for the commission of adultery with the wife of any person is to be punished by medium deportation. (1745)

An adulteress who kills her husband is to be led around for public exposure and crucified.

If any one induced the wife to kill her husband, or if any one assisted her in the killing of him such person is to be decapitated and his head gibbeted. (Customary)

If a wife has committed adultery and (in the attempt to kill him) inflicts wounds on her husband she is to be led around for public exposure and then decapitated and her head gibbeted.

(1744)

Any one who commits adultery with his master's wife is to be led round for public exposure and then have his head gibbeted; the woman is to be decapitated.

(Supplemental, 1743)

Any one who procures adultery with his or her master's wife is to be decapitated. (Customary)

Any one who by force and against her will has connection with a woman who has a husband (i.e. whether she be wife or concubine) is to be decapitated.

But if the woman is raped by several persons, the ring-leader is to be gibbeted and the accomplices to be sentenced to major deportation.

In all cases of punishments for adultery no distinction is to be made between a wife and a concubine. (1742)

If any one commits adultery with his adoptive mother or with his adopted daughter, or with his own daughter, both the man and woman are to be gibbeted. (1742)

If any man commits fornication with his sister or his aunt or his niece both man and woman are to be deported to a distant province and given over into servitude to the non-humans (i.e. eta or beggars). (1742)

Any one who without giving a writing of divorce to his wife takes to himself a second wife is to be forbidden to live in the locality of his domicile.

If his action in so doing was prompted by greed his personal property and effects are to be confiscated (to government) and he is to be expelled from Yedo. (1742)

A woman who without getting a written divorce (from her spouse) goes as wife or concubine to another man is (on complaint made by the former spouse) to have her hair shaved off and to be sent back to her parents.

The person who (as go-between) arranged the second espousal is to be fined.* (Customary)

If a woman who has been divorced but has not got a bill of divorce from her spouse is given in marriage by her parents to another man, the parents are to be fined.

And the man who espouses her is also to be fined.†

(Customary)

A man who seduces a girl who is his master's daughter is to be sentenced to medium deportation.

The girl is to be put in handcuffs, and to be sent back to her parents.

The procurer who aids a man to seduce the daughter of his master is to be sentenced to local expulsion. (1741)

Any person who rapes a girl of tender years and inflicts a wound on her is to be banished. (1743)

* In this case the husband harboured affectionate regret for the separation, and had the woman remained unattached, the two might have come together again.

† In this case the man who divorced the wife or concubine felt no regrets at the separation and the failure to give the woman a bill of divorce was due either to spite or to negligence.

Any one who effects connection with a woman by force against her will is to be sentenced to major deportation. (1743)

If any one who commits fornication with an unespoused woman entices her away from her home, she is to be ordered to return to it, and the man is to be put in handcuffs. (Customary)

If fornication is committed between a menial man-servant and woman-servant (in the same mansion, and the woman's relatives enter a plaint) the parties are to be delivered over to their master to deal with. (Customary)

If any sworded retainer (*kerai*) of another mansion, or any commoner (business man having the entry) of a mansion, commit fornication with a woman servant of the mansion by slipping into it in disguise or by stealth (then, on complaint by the owner of the mansion), the man is to be expelled from Yedo, and the woman is to be dealt with by her master according to his own pleasure. (1744)

If, after committing adultery with a wife or concubine, the adulterer induces any person to act as go-between for the transfer of the woman to the adulterer, such person shall be sentenced to local expulsion. (Customary)

If any man carries on by correspondence an intrigue with another's wife or concubine but the two have not yet actually had a meeting, and there is no doubt as to the fact of their not having secretly met, both the man and the woman are to be sentenced to medium deportation. (1745)

49.—PUNISHMENT FOR DEBAUCHING A GIRL WHO HAS BEEN BETROTHED (AS WIFE OR CONCUBINE).

A parent who, on seeing his betrothed daughter having intercourse with a paramour, slays them both, is not to be punished, provided it be clearly proved that he caught them in the act. (1740)

A man who has illicit connection with a girl who has been betrothed (as wife or concubine) is to be punished by minor deportation.

The girl is to have her hair shorn off and to be returned to her parents. (1743)

50.—OF A MAN AND WOMAN AGREEING TO PUT AN END TO THEIR LIVES.

When, owing to an illicit connection, a man and woman have in concert put an end to themselves, their bodies are to be put away without a funeral.

But if one of the two survives, he or she is to be deemed a murderer.

If both survive after making the attempt, they are to be led around for public exposure for three days, and are then to be handed over as slaves to the non-humans. (1722)

If the master of a servant-girl agree to die with her but survives the attempt, he is to be handed over into subjection to the non-humans. (1722)

51.—PUNISHMENT OF A BONZE WHO COMMITS FORNICATION.

If the unchaste bonze is the incumbent of a temple he is to be banished. (1739)

If he is merely in monastic orders (without an incumbency), he is to be exposed for one day in a public place, and then to be handed over to the Noticiary (*fure-gashira*) of his sect, to be dealt with according to the rules of his order. (1721)

If a cleric commits adultery (with an espoused woman, whether wife or concubine) he is to be gibbeted, irrespective of whether he is incumbent of a temple or merely an ordinary monk. (1742)

52.—PUNISHMENT OF THE *Fujufuse* SECTARIES.*

Persons who propagate such principles as *fujufuse* (neither

* These were a heretical and hypocritical offshoot from the Nichiren sect, whose motto it was neither to give nor receive, but who covertly received gratifications from devotees. Their preaching was prohibited at the same time as Christianity in 1614.

to give nor to receive), are to be banished even if they profess willingness to enter some other (Buddhist) sect. (Customary)

If the person propagating such principles is a layman, and his children are willing to change their sect, they are to be (not banished but only) expelled from their locality; his wife is not to be implicated. (1744)

Any one who receives into his house a person who having been converted to the *fujufuse* sect propagates its principles is to be banished.

If however, he is willing to change his sect, he is to be only sentenced to the major deportation.

Any one who renders assistance in finding a lodging for a person who is propagating the principles of the same sect is likewise to be banished.

If, however, he engages to abandon the sect and chose another, his lands are to be confiscated and he is to be expelled from the place.

If the mayor or chief of the punchayets of a village allow to remain in their village any person propagating the said doctrine, even though they do not accept or believe in it themselves, they are to be deprived of their functions.

If they had accepted the doctrine but profess their willingness to abandon it in favour of some other (orthodox Buddhist) sect, the mayor is to be punished by minor deportation, and the chief of the punchayets is to have his lands confiscated and to be expelled from the place.

Even if the person propagating the above doctrine has not been residing in their village but a number of the villagers have accepted it, and whilst the mayor and chief of punchayets have taken no notice of it even though they have neither been converted to nor believed in the doctrine themselves the mayor is to be heavily fined, and the chief of punchayets to be fined moderately.

If, after having professed or believed in the doctrine, they afterwards profess their willingness to recant, their respective punishments are to be as in the preceding section.

Persons who had accepted the doctrine, but who have given a bond that they have renounced it, and will never again adhere to it, are not to be interfered with.

But those who refuse to renounce it are to be banished.

(1744)

53.—PUNISHMENT OF INNOVATORS IN SHINTŌ OR IN BUDDHISM
AND OF THOSE WHO INTRODUCE HERETICAL MYSTERIES.

A person who introduces novelties in the worship of the gods or into Buddhist observances shall be punished as follows:—

If he be a cleric or a shrine-keeper and of high standing, he is to be expelled from his position; if of low standing, he is be sentenced to seclusion (*hissoku*).

If he be a layman, he is to be fined. If he collect a crowd round him, he is to be expelled from Yedo. (1742)

A person who proclaims mysterious heresies and attracts crowds in order to found a new sect is likewise to be expelled from Yedo; and any persons who aid or abet him are to be expelled from their homes. (1742)

If any such person attracts crowds whether in a town or in the country, the mayor of the village at which he is sojourning must be severely fined; the chief of the punchayets and the punchayet (concerned) must be fined; and if thirty days elapsed without the facts being reported and proceedings instituted, the mayor must be deprived of his office.

54.—PUNISHMENT OF INCUMBENTS OF TEMPLES (BUDDHIST) WHO
PERMIT PRIVATE BURIALS IN CASES OF ACCIDENTAL
DEATH.

The vicar of a temple who allows private burial in his parish grave-yard of one whose death was not in the usual course is to be ordered into seclusion (*hissoku*) for fifty days.

(Customary)

55.—PUNISHMENT OF GAMBLING FOR STAKES, OF DICING, AND
OF HOLDING LOTTERIES.

The parties engaging in the *mikasa-tsuki* form of gambling (i.e. verse-competitions for pooled stakes), viz., the umpire, the money-lender and the householder, are each to be banished.

The dice-owner in gambling with dice and the house-holder are both to be banished. (1726)

The holder of a "slip-out" lottery and the house-holder (who allows the meetings to take place in his house) are both to be banished. (1741)

The collector of the verses in *mikasa-tsuki* competitions (in which the stakes pooled go to the composer of the verse pronounced by the umpire to be the best) is to have his household effects (*kasai*) confiscated and to be given into servitude to the non-humans. (1726)

The seller of tickets for a "slip-out" lottery is likewise to be given over into servitude to the non-humans after confiscation of his house-gear (*kasai*.)

The tally-holder of a "slip-out" lottery and his assistants are to suffer confiscation of their house-gear and to be expelled from Yedo.

Any one who competes in a *mikasa-tsuki* verse gambling competition; and any person found gambling, and any one taking a share in a "slip-out" lottery is to be severely fined up to the value of his house gear, house and store-house, and, if he have no house or store-house, he is to be fined five *kwanmon* or three *kwanimon*. (1716)

An under-servant in the mansion of a gentleman (*bushi*) who gambles is to be sent into banishment. (1726)

Any one who makes loaded dice is to be tattooed and severely flogged. (Customary)

Persons found engaged in "hand and eye" gambling (i.e. one guessing, for a wager, whether the number of some

small things held in the other's closed fist is odd or even), are to be banished. (Customary)

The umpire of verses in a gambling competition, the money-lender (who furnishes competitors with the stake) and the house-holder who lets the tenement in which the proceedings take place, are each to be fined in proportion to his means and to be handcuffed for 100 days. (1717 and 1745)

The occupant of a house used for gambling, and the owner of the house occupied by the dice-thrower, are each to be fined in proportion to their means and to be handcuffed for 100 days. (1717 and 1745)

The occupant of a house in which a "slip-out" lottery is held, and the owner of the house occupied by the promoter of such lottery are likewise to be punished in the same manner as in the two preceding cases. (1725)

The owners of the land on which the houses named in the preceding clause are built are to have their building lots and the houses thereon sequestrated to the government.

(1741 and 1744)

However, their property is to be restored to them after five years have elapsed; but if such proprietors took part in such lotteries and gambling elsewhere than on their own premises, the sequestrated properties are to be restored to them after the lapse of three years. (1730 and 1731)

Additional proviso, 1735. As regards day labourers and pedlars, who momentarily engage in gambling or dicing at their work, the landlords and the people of the locality are not to be held responsible.

The neighbours on both sides of any house in which verse-competitions or gambling or "slip-out" lotteries are held, and likewise the punchayet of the place, are to be fined in proportion to their means. (1726 and 1745)

In country districts the chief of the punchayets (*kumi-gashira*) and the punchayet are both to be fined. (1736)

In such cases, whether in town or in the country, the mayor (*nanushi*) must also be fined in the sum of 5 *kwanmon*.

(1741 and 1844)

Likewise, in town, the occupants of houses on the same side of the street must be fined 3 *kwanmon*; on the opposite side of the street the same fine is to be levied; but the occupants of separate shops or compartments of a house (i.e. sub-lessees) are to be assessed for their shares.,

(1726 and 1744)

In the country, however, the fine is to be paid by the villagers in the proportion of their taxation assessments.

(Customary)

Persons who join in a lottery with small stakes, and those who gamble with versification playing cards are to be hand-cuffed for 30 days.

(1731)

But if the lottery stakes (tickets) amount each to fifty cash or upwards, the punishment is to be the same as for gambling.

(Addition, 1743)

The house in which either of the above offences has been committed is to be fined 3 *kwanmon* (i.e. 3,000 cash).

But if the stakes were higher than 50 cash, the punishment is to be for gambling.

If the judge of the merits of the verses in gambling verse-competitions or the money-lender of the stakes to the competitors, or the master of the house where the gambling takes place (turns informer and) lays a charge before the magistrate, although he was an accessory to the offence, he is to be pardoned, and to be given a reward of twenty pieces of silver (i.e. about 60 *ryō*).

(1726)

Pardon and the same reward as above are to be given in the case of dice-gambling to any of the accessories who informs and lays a charge, whether he was the dice-thrower or the master of the house or one of the players.

(Ditto)

Pardon and the same reward as above are to be given to the informer (and prosecutor) who lays a charge against those

taking part in a "slip-out" lottery, whether as promoter or master of the house in which it was held. (1741)

A reward of five *ryō* or of three *ryō* is to be given to any one who lays an information against the collector of the verses in gambling verse-competitions or against the seller of tickets in a "slip-out" lottery, provided such information leads to the arrest of the offender. (1741)

When money is raised by a company of gamblers with the object of giving pecuniary help to another person or persons, any one of the contributories entrusted with its distribution who embezzles part of it, is to be banished.

(Customary and supplemental)

Any one who accepts any money from a gamblers' benefit club, even though he took no part in the gambling proceedings, is to be punished by medium deportation.

(Customary and supplemental)

In cases of verse-competitions, dice-gambling, and "slip-out" lotteries, if information is laid against the offenders by the mayor of the ward or any of the punchayets within the street concerned, the guilty parties and the master of the house are to be convicted and punished; the ground land-lord's land is not to be sequestered, but he is to be severely rebuked; and no blame is to be attached to the neighbours on both sides (of the disorderly house), nor to the mayor or people of the street.

The same rule is to apply to country districts.

In all cases of banishment inflicted upon gamblers, whether for engaging in verse-competitions, or dicing, or slip-out lotteries, when a period of five years from the conviction has expired, pardons may be granted (by the High Court); but an application for the release of the convicts must always be made beforehand. (1731)

In the case of those sentenced to degrees of punishment above expulsion (*tokoro-barai*) the same application as above for

release is to be made in respect of those whose offence was merely ordinary gambling.* (1745)

Dice-gambling of both sorts, open and secret, is to be punished by fines.

But anyone convicted thrice of secret gambling is to be sentenced to medium deportation. (1745)

56.—PUNISHMENT OF ROBBERY AND THEFT.

In every case the articles stolen are to be restored by the court to the parties robbed. If the money was spent by the thief, it is deemed to be lost. Even when the stolen goods are restored to the owners punishment is to be inflicted all the same as follows :— (1721)

Robbery with murder, the culprit is to be led around for public exposure, and after decapitation his head is to be gibbeted : (Customary)

Robbery in a house with wounding by edged weapons, decapitation and gibbeting, although the goods may have been restored to the owners : (1722)

Entering a house with intent to rob and inflicting wounds, death (by decapitation) : (Customary)

Entering a house with intent to rob and inflicting wounds though not with edged weapons, death (by decapitation), even though the stolen goods be returned to the owners :

Banding together for robbery and entering people's houses by violence, the ringleader to be beheaded and gibbeted, the accomplices to be beheaded : (Customary)

Clandestinely entering another person's house in disguise, or breaking into a storehouse of any kind and such like, death, irrespective of the amount stolen : (1720)

* The term of his banishment, imprisonment etc., was never made known to the culprit when he was convicted. That was an official secret of the tribunal. Of course the jailors etc., received secret instructions from the Magistrate, but did not reveal them to the prisoners.

But in cases where the theft was only of trifling things taken from a house where the door was open, or nobody was in the house, and the things were handy, whether the theft was in the day-time or at night time, the punishment is to be tatooing and a severe flagellation. (1744)

For acting as a guide to robbers, death : (Customary)

For robbing from the halt, lame or blind, death : (1740)

For highway robbery of travellers, death and gibbetting : (Customary)

For assault with intent to commit highway robbery, death :

For pilfering on the spur of the moment things lying handy, if the money stolen was over ten *ryō*, or the goods stolen were over ten *ryō* in value, death ; if the money or the goods stolen were under ten *ryō* in amount or value, tatooing and bastinadoing : (1720 and 1741)

For putting up as guests scoundrels, knowing them to be such, and selling their booty for them, or putting it in pawn for them and taking part of the proceeds, death : (1740)

For giving a night's lodging to scoundrels knowing them to be such, or for taking them in as lodgers for five or seven days at a time, medium deportation. If the scoundrels are afterwards sentenced to crucifixion the person who gave them shelter is to be punished with death. (1742)

For helping to carry away the booty stolen by a sneak-thief from a house or godown and taking a share of it, minor deportation after being bastinadoed. If the help was given but no share of the booty accepted, bastinadoing and place-expulsion (*tokoro barai*) : (1742)

For concerting together and stealing trees or bamboos from the Government's forests, the ringleader, major deportation, the accessory ringleaders, medium deportation, the accomplices, fines : (Customary)

For petty pilfering, bastinadoing : (1720)

For pilfering again after having once been bastinadoed, tatooing : (Customary)

For petty thieving whilst travelling to some place bastinadoing : (Do.)

For wrenching off and stealing the metal fixtures on the hand-rail of a bridge or on the gate, etc., of a samurai's mansion, severe bastinadoing : (Do.)

For taking away another person's clothes from a bath-house (and leaving one's own) in exchange, bastinadoing : (Do.)

For giving lodging to pilferers, expulsion : (Do.)

For assisting in the disposal of stolen goods, knowing them to have been stolen, but not receiving part of the gain, bastinadoing : (1741)

For taking charge of stolen goods, knowing them to be stolen, bastinadoing : (Do.)

For buying goods knowing them to be offered for sale without the owner's knowledge and consent, bastinadoing after being tatooed :

Any one who for some years has made a business of buying goods in this way is to be put to death : (Do.)

For buying again such embezzled goods from the first buyer knowing them to be unlawfully obtained, to be tatooed and bastinadoed : (Customary)

For taking goods for another person to the pawn brokers without making enquiry as to where they came from though not knowing them to have been stolen, to be fined :

If the offender be a retainer of one of the military (i.e. daimyō) houses he is to be expelled from Yedo : (Do.)

For killing a cripple, maimed or blind person and stealing what he had in his possession, to be led around for public exposure and gibbeted : (1742)

For sneak-thieves who repeatedly commit the offence of entering a house or magazine in order to steal, irrespective of whether the goods were actually taken or not, and after however long an interval between the several offences, after the fifth offence, to be led around for exposure and decapitated : (Do.)

For allowing a thief who has been caught in the act to run away after taking back the things he was stealing, both the party who omitted to lay a charge and the mayor of his street or village are to the reprimanded :

If the thief or robber who is privately allowed to escape after being caught would have been punishable with death, both the mayor and the party concerned are to be moderately fined. (1719)

If, when a thief or robber has been caught and examined, he is found to be in possession of goods or money which he had stolen in some other locality, information of the fact is to be sent to the magistrate or deputy or daimyō of the distant locality, instructing him that the robbed party is summoned to the tribunal in order that his goods may be there restored to him.

However, as the things so stolen may be of little value and the necessity of coming from a distant province to receive possession of them may cause hardship, the party concerned may waive his claim to them if he so wishes. Or, again, if he has any relative or a connexion of some sort in the locality where the goods were seized by the court, he may petition the court to deliver them to such person as his proxy and they are to be delivered accordingly. (1741)

For buying goods at a low price knowing them to be stolen, expulsion from domicile (*tokoro barai*). (1743)

57.—PUNISHMENT FOR RECEIVING IN PLEDGE OR FOR BUYING
STOLEN GOODS.

When the goods have been taken in pledge in the ordinary way in ignorance of their having been stolen and guaranteed by a surety, if on examination, the court decides that the pledgee had no ground for thinking the goods to have been stolen, the surety must recoup him the amount loaned and the goods must be given back and restored to the person from whom they were stolen.

If, however, the surety has to be punished for some other offence, and the money to redeem the goods be not forthcoming, the pawn-broker must bear the loss, and if he took the goods in pledge carelessly, without the guarantee of a surety, he must lose his money and be summarily punished as well.

(1721 and 1743)

When stolen piece goods (silk, cotton or other fabrics) have been bought without knowledge of their having been stolen, the whole of the goods, whatever their quality or colour, must be delivered up by the purchaser to the party from whom they were stolen, and the purchaser must bear the loss of the money he paid for them, on the ground of his carelessness in buying them. If he had taken a surety's guarantee, the surety must recoup the buyer the amount paid for them.

If the whereabouts of the stolen fabrics cannot be ascertained, and if the thief be still in possession of the money he received for them, it is to be confiscated and given to the injured party. In cases where the stolen goods are found, they are to be taken from the purchaser of them, and, if the thief be still in possession of the money he got for them, it is to be confiscated to the government.

(1720 and 1740)

When stolen goods have been innocently bought and sold through successive hands, the series of buyers is to be traced back, and the price paid by each is to be returned to him, and the goods given back to the seller; and so restored to the possessor from whom they were stolen, and the loss is to be borne by the first buyer of them from the thief.

In case the chain of successive sellers cannot be traced, the first person who bought them from the thief is to be ordered to pay the price of them to the person from whom they were stolen, by way of indemnification.

(1720 and 1740)

When goods are found to be missing, and public notice of the loss has been given by a street notification from the mayor (*machishirō*), any person who hides them is to have his house-furniture (i.e. the matting of the floors (*tatami*) the sliding doors

of the rooms (*tategu*) chest of drawers (*tansu*) (*nagamochi*) the long chest for holding the bedding etc.) confiscated, and to be expelled from Yedo. (1742)

Any person who engages in a mercantile business without entering the guild of that business, is to have his goods confiscated and to be fined. (Customary)

Any person who makes use of two seals in doing business, or who takes any thing in pledge without requiring a surety's guarantee from the pledgor is to have the goods confiscated and to be fined. (Customary)

If, whenever a street notification as to lost or missing goods has been circulated by the mayor, information about the goods is given to the City Magistrate's office, the goods are to be taken in charge, but no responsibility is to be imputed to the informant. (1742)

58.—OF INFORMERS AGAINST CRIMINALS.

When the perpetrator of a crime or offence has been caught and given into custody, or when a criminal information has been laid against any one, should he in turn allege that the captor or informer is likewise a criminal, the allegation is not lightly to be entertained or enquired into. If, however, either party adduces indubitable proof of crime on the part of the other, the charge must be enquired into.

As a general rule, however, when an incriminatory charge is made against an informer, the allegation that he was an accomplice should be disregarded. When an accomplice turns informer his guilt is to be overlooked, and the Magistrate should manage the matter accordingly. (1758)

59.—PUNISHMENT FOR NOT REPORTING CASES OF SUDDEN DEATH, OF THE FINDING OF A MURDERED CORPSE, OF THE INFLECTING OF WOUNDS, OF TRAVELLERS FALLING SICK, AND SUCH LIKE. (1742 and 1744)

If a case of sudden death occurs, or a murdered corpse is

found and the facts are hushed up, no report being made to the authorities, the owner of the house or the ground-landlord of the person who failed to make a report is to be fined 5 *kwammon*, his punchayet to be fined 3 *kwammon* and the ward-mayor to be fined 5 *kwammon*.

But if the house-owner or the ground landlord or the mayor or the punchayet were not aware of the facts, they may be excused; and the same rule is to apply when such cases occur in rural localities.

If a death happens under suspicious circumstances, or a case of wounding occurs and the facts are hushed up, no report being made, or if a person suddenly taken ill is hurried off to another street or ward, the lessor of the house or landplot of the person responsible for the concealment is to be fined 5 *kwammon*, the punchayet is to be fined 3 *kwammon*, the mayor is to be fined 5 *kwammon*, and to be deprived of his post as well.

The same excuses, however, may be pleaded as in the preceding clause. (1742 and 1744)

60.—OF TREASURE TROVE.

When the finding of a lost thing is reported to the magistracy, it is to be exposed to public view for three days; and, if the owner claims it, in the case of money found, the loser and the finder are each to be allowed to take half; if it be a textile of any sort, it is to be given back entire to the loser, who must make a suitable acknowledgment to the finder. (1721)

If the owner of the dropped article is not discovered, it is to be retained, and after waiting for six months, if there be still no owner to claim it, the finder is to be allowed to have it altogether. (1738)

If the picking up of a dropped article is not reported at the time, and the fact is afterwards discovered, the finder is to be fined. (Customary)

61.—PUNISHMENT FOR KIDNAPPING.

A kidnapper is to be put to death. (Customary)

Any one who in collusion with a kidnapper receives a commission for selling the victim is to be sentenced to major deportation. (1742)

62.—PUNISHMENT FOR FORGING DOCUMENTS OR SEALS.

Any one who forges a document or a seal is to be led around for exposure, decapitated and his head gibbeted.

The accomplice who affixes his seal as witness is to be put to death.

Any one who at another's solicitation draws up a document which he knows to be fraudulent is to be punished with major deportation. (1742)

63.—PUNISHMENT OF THOSE WHO POST UP INFLAMMATORY OR THREATENING NOTICES OR WHO DISSEMINATE LIBELLOUS PAPERS.

Any one who maliciously posts up a notice threatening another person with the burning down of his house, or who disseminates false statements against him in writing is to be put to death. (1742)

Any one who maliciously posts up notices or disseminates written statements falsely charging another person with the committing of a crime or offence, is to be punished with medium deportation, if the offence falsely charged in the libel be one punishable with death. (1742)

64.—PUNISHMENT OF SWINDLING, FALSE PRETENCES AND EXTORTION.

If the false pretence be of a sort calculated to deceive the government, or if it be deliberately concocted beforehand, or if two or more act in collusion in order to inveigle others to their

detriment, when the ill-gotten gain is upwards of one *ryō* in value, the punishment is to be death. (1723 and 1745)

But if the misrepresentation was made without premeditation, on the spur of the moment, the punishment is to be the same as for stealing things lying handy. (1745)

For trumping up an imputation against another and thereby exacting hush-money, the punishment is to be death and gibbetting, irrespective of the amount of money or value of the goods extorted. (1735)

If there had been repeated previous extortion, even though nothing was obtained at the time of the detection of the swindle, or if the unsuccessful attempt to swindle was a very serious affair, the punishment is to be death. (1743)

For beating a person on some plausible pretext and an accomplice then taking money by way of compromising the matter (i.e. for not reporting the gambling &c., to the authorities), the punishment, where wounds have been inflicted, is to be death and gibbetting; when money has been extorted, when wounds have been inflicted but no money taken, death. (1732)

The accomplice of the assailant extortioner is to be sentenced to medium deportation. (1743)

For wounding or beating a person who comes to dun for payment of a debt, or a person who brings something troublesome and wants to deposit it there, the punishment is to be medium deportation.

But if the wounds in such cases be inflicted with edged tools or weapons the punishment is to be death. (1713 and 1745)

Any one who obtains money or goods by falsely representing himself to be a retainer of a high government official is to be put to death. (1742)

Any one who falsely gives out that his application for government permission has been granted, and starts a company and gets in contributions or shares by the deceit, is to be

expelled from his domicile and his furniture and house fixtures are to be confiscated.

If it is in his own town, street or village that the impostor starts a company and hangs out his sign-board, the mayor is to be fined 5 *kwannon* and the house-owner and the punchayet are each to be fined 3 *kwannon*. But if it be in some different locality that he starts and publicly advertises the company, and the mayor and the punchayet of his domicile are unaware of the fact, they are not to be held responsible. (1744)

Any one who enters a suit against another, having faked in his petition the seals of a house-owner and punchayet, is to be bastinadoed. (Customary)

The spurious house-owner and punchayet who put their seals to the petition are to receive the same punishment.

(1742)

Any one who deals in counterfeit articles, falsely alleging that another person is the seller, or that he is buying them for some other person, is to be punished by tatooing and medium deportation. (Customary)

65.—PUNISHMENT FOR TRUMPING UP FALSE ACCUSATIONS.

Any one who falsely charges his master or his parents with committing a greivous crime is to be crucified.

(Customary and 1744)

The procedure to be adopted by the court when a master or parent is so accused of serious crime or offence is to be as follows:—In cases where the government is seriously concerned (i.e. if the accused be of high official status) the matter must be thoroughly investigated. If the facts are found to be as alleged by the accuser, applications should be made to the government for permission to mitigate the punishment by one degree. At the same time application is to be made for leave to sentence the accuser to punishment one degree lower than the guilty party.*

* This means that the accusing servant, retainer or son is nearly as bad as the accused.

In cases other than the above, (i.e. where the prestige of the government is not affected) such charges relating to private (i.e. domestic) matters are not to be entertained by the court.

(1744)

When, in consequence of the flagitious conduct of any one under arrest and examination his master (lord) or parent suffers hardship and the accused pleads for pardon on that ground, the court may summon the mayor and punchayet of his ward or village, and also his relations, and order them to come to some suitable arrangement of the case.

(1744)

When any person brings a false criminal charge against another for the sake of obtaining the government reward to informers, he is to be bastinadoed and sentenced to medium deportation.

(Customary)

For falsely charging another person with homicide, under ordinary circumstances, the punishment is to be major deportation.

For charging another with murder, the punishment is to be banishment, and if the charge brought is one of murder under aggravating circumstances, the false accuser is to be put to death.

(1741)

66.—PUNISHMENT FOR SELLING POISONS OR COUNTERFEIT DRUGS.

A seller of poisons is to be led around for public exposure and, after decapitation, gibbeted.

(1742)

A seller of spurious drugs or medicines is to be led around for public exposure and put to death.

(Customary)

67.—PUNISHMENT OF FALSE COINERS OF GOLD OR SILVER CURRENCY.

A coiner of false gold or silver money is to be led around for public exposure and crucified.

(Customary)

68.—PUNISHMENT FOR MAKING FALSE WEIGHING IMPLEMENTS,
FALSE MEASURES OR SPURIOUS VERMILION.

For making (and using) a spurious balance (or steel-yard) the punishment is leading around for exposure and gibbetting.

But if there be no difference in the weight-marks of the counterfeit balance, the punishment is to be medium deportation. (1742)

For making and using a spurious measure of capacity, the punishment is to be gibbetting.

But if there be no difference in the capacity (i.e. no cheating as regards the amount) the punishment is to be medium deportation.

For making counterfeit vermilion (and thus infringing the government monopoly) the offender is to be expelled from his domicile and his personal property confiscated. (1742)

69.—RESPONSIBILITY FOR FIRES.

When a conflagration breaks out in a *hirame* (i.e. the long low barracks surrounding the the four sides of a daimyō's *yashiki* (or town mansion), if the structure burnt down exceeds sixty feet long, the person (retainer) in whose room the fire first broke out is to be sentenced to seclusion for 30, 20 or 10 days according to the amount of the structure burnt down. (1721)

But if the amount of the structure burnt down be less than 60 feet no blame is to be imputed.

But if it be in a temple or a shrine that the fire originated and involved the destruction of other buildings, the (incumbent of) the temple or shrine is to be ordered into retirement* for seven days. (1743)

If a fire which destroys over ten *ken* (i.e. 60 feet) of houses breaks out on days when His Highness (the Shōgun) goes forth

* Retirement (*yen-yo*) means closing of the front gate, different from *oshi-kome*, confinement in one room in one's own house and not going out into the street or any public place.

(*o nari-bi*, lit. the august becoming days) between the morning of the day of the going forth (from the Palace of Yedo Castle) and the day of the august returning, likewise on the days of an august procession to the Kosuge Palace (in the vicinity of Yedo) and the day of the august return or during the interval, likewise during the time of His Highness's sojourn away from the Palace, and likewise if on ordinary days a fire breaks out which consumes over three *cho* of houses (i.e. 180 *ken*=1080 ft. long), in all the above cases, the punishments are to be as follows:—

The person with whom the fire originated is to be handcuffed for 50 days. (1719)

But if it was in a temple or a shrine that the fire originated, the incumbent is to be ordered into retirement for ten days. (1743)

When a fire breaks out in a building, the following punishments, in addition to that of the occupant, are to be inflicted:—

On the land-owner of the house-site	30 days confinement in one room of his own house.
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(1742)

On the owner of the house	Ditto.
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On the monthly manager (<i>tsuki-gyōji</i> , i.e. the temporary substitute, changed monthly, of a mayor during a vacancy in the latter's office)	Ditto.
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On the punchayet of the guilty householder	Ditto for 20 days each of the five members.
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On the monthly managers for a distance of two <i>cho</i> (=240 yards) up the wind and two <i>cho</i> sideways left and right, from the source of the fire	Ditto, 30 days.
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But all the folk in general in the up-the-wind direction and

on both sides from the source of the fire are to be subjected to correction, according to the degree of their lack of diligence in checking the spread of the fire. If they display exceptional energy for that purpose they are to be publicly commended.

(1742)

Even if a fire breaks out on the day of His Highness's going forth or return to the palace, or during His Highness's sojourn at the Kosuge palace, provided that the amount of houses burnt down be under 60 feet long, no correctional punishment need be inflicted.

(1743)

When a fire breaks out in the houses built in front of a temple (*jisha mon-sen*), or shrine (on land belonging thereto if it be on ordinary days (*hei-jitsu*) and the area burnt down be under 10 *ken* (60 ft.), no correctional punishment need be inflicted on the incumbent.

But if such a fire occurs on a day when His Highness goes forth or returns to the palace, between the morning and sundown, or on a day of his going forth to or return from the Kosuge palace, or during the time of his sojourn there, in case the area burnt down be over ten *ken*, and if, on an ordinary day, the area burnt down be over 3 *cho*, the incumbent is to be punished by ten days retirement, and the inhabitants of the buildings in front of the temple or shrine are to be punished the same as the towns-folk.

70.—PUNISHMENT OF ARSON.

An incendiary is to be burnt to death.

But if the fire be extinguished before it consumes the house, the incendiary is to be led around for public exposure and decapitated.

(Customary and supplemental)

Any one who, instigated or employed by another person, has committed arson is to be decapitated.

(1742)

But the person who instigated him is to be burnt to death.

(Customary)

When the arson was committed for the sake of plunder, the public exposure arrangements are to be as follows :—

At the Nihon-bashi, the Ryogoku-bashi, the Yotsuya palace-gate, the Akasaka palace-gate and at the Shōhei-bashi, when the culprit or culprits, no matter how many they may be, are being led along past the above-named places, a placard recording the crime and particulars about each of them is to be set up and is to be kept there for thirty days. They are of course to be led along through the streets where the crime was committed and also at the places where they were living, and then they are to be burnt to death. (1723)

When the arson was not committed for the sake of plunder it is not necessary to put forth the placards recording the crime, and the leading around for exposure is to be done through the streets where the deed was done and where the criminals dwelt, and then they are to be burnt to death. (1720)

In none of the above cases of punishment for arson is there any need for the exposure with the cangue (*sarashi*). (1723)

To the person who arrests an incendiary, whether one or more, or who lays an information against them, a government reward of thirty silver pieces is to be given. (1722)

When the crime of an incendiary is not discovered until after the lapse of a year or more, his punishment is to be decapitation. (1745)

71.—PUNISHMENTS FOR KILLING AND WOUNDING.

For killing one's lord or master the culprit is to be exposed bound to a stake at the most frequented bridge (the Nihon-bashi) under a placard stating the details of his crime : after two days of this exposure (*sarashi*) he is to be led around through the streets for one day for further exposure, then after submission to the pulling of the saw he is to be crucified. (Customary)

For wounding one's lord or master the culprit is, after exposure at the bridge, to be crucified. (Ditto)

For attempting to wound or beat a lord or master the punishment is to be death by decapitation. (1741)

For killing one who was formerly his lord or master, the punishment is exposure at the bridge and crucifixion. (Do.)

For wounding a former lord or master, leading around for public execration, and then crucifixion. (Do.)

For attempting to wound or beat a former lord or master, decapitation. (Do.)

A steward (*yamori*) who murders his landlord is to be led around for execration and gibbeted. (1742)

A steward who wounds or attacks his landlord with intent to murder him is to be decapitated. (Do.)

A steward who murders one who was formerly his landlord is to be led around for execration and decapitated. (Do.)

A steward who with murderous intent wounds one who was formerly his landlord is to be banished. (Do.)

One who murders a relative of his lord or master is to be led around for execration and gibbeted. (1780)

One who wounds a relative of his lord or master is to be led around and beheaded. (Customary)

For an attempt to wound or beat a relative of one's lord or master, if premeditated, decapitation.

But if it was on the impulse of the moment, banishment, or if there be extenuating circumstances, major deportation.

For murder of a parent, leading around and crucifixion. (Customary)

For wounding or assaulting a parent, crucifixion. (Customary)

For attempting to wound or assault a parent, death (by decapitation). (1740)

For murder of a father-in-law, an uncle, an aunt, an elder brother or an elder sister, leading around and gibbeting. (1744)

For wounding any other above (superior relatives), decapitation. (Customary)

For a parent who inconsiderately and unintentionally kills his child, whether real or adopted, banishment.

But if the parent has done it deliberately for gain or advantage, death. (1742)

For one who kills a younger brother or younger sister, a nephew or niece inconsiderately and without murderous intention, banishment.

But if done intentionally for gain, death, as in the preceding case (of a parent). (Do.)

For killing a teacher or instructor, crucifixion. (Customary)

For wounding a teacher or instructor with a sharp weapon, death (by beheading). (Do.)

For murdering the mayor of one's village or town or street, leading around and gibbetting.

For wounding one's mayor with intent to kill, decapitation. (1742)

For killing by putting poison in any person's food or drink, gibbetting.

But if death did not result from the poisoning, banishment. (Do.)

Any one who causes the death of another is a murderer. (Customary)

For any one who guides another in committing a murder, banishment.

But if the actual murderer runs away and cannot be found the guide is to be deemed the murderer. (1742)

Any one who instructs or orders another person to kill any one is a murderer.

The person who in obedience to an order from his superior kills any one is to be banished. (1740)

Any one who, for fear of his guilt being divulged, attempts to kill another and wounds him; or who, harbouring revenge against a detective or other person engaged in the investigation

of a charge or a suspected crime, wounds him in the attempt to kill him, is to be decapitated. (1742)

If he actually kills him, he is to be gibbeted. (1744)

When any one is killed by a number of persons acting together, the first who struck or cut is to be deemed the murderer. (Customary)

Those who assist any one in the killing of another are to be banished. (Do.)

But if there was no previous concert to commit the murder, and, on a quarrel arising, they only took part in order to help their companion from getting the worst of it, they may be punished by medium deportation. (1742)

If, in such a case, they were accomplices, even though they did not actually render assistance, they are punishable by medium deportation. (Customary)

In case of unlawful conduct on the part of an adversary, if swords are drawn and wounds inflicted and the aggressor is killed, the culprit is to be banished. (Customary)

For "cutting at the cross roads" (*tsuji giri*), the offender is to be led around and beheaded.* (1741)

If a life or lives are lost by drowning when crossing a river in a ferry boat, the boat-owner (lit. *sui-shu*, the water-owner) is to be banished. (1716)

When any one is killed by a cart driving over him, the carter who led the horse carelessly is to be beheaded. (1728)

But if the accident occurred when the carter was leading the horse with care to the proper side so as to avoid hurting wayfarers, he is to be banished; the owner of the goods being conveyed by the cart† is to be heavily fined; and the owner of the carter's house is to be fined. (1728 and 1743)

* This "cross-roads cut" was a favorite pastime of young samurai who wished to try their swords (*tameshi-giri*) by cutting down common folk travelling on the high-roads; generally at night in populous districts; but, in unfrequented places, also in daylight.

† Who was generally travelling along with them.

When injuries, short of fatal, are inflicted by the improper driving (leading) of carts the culprit is to be banished. (1722)

But if the cart was being led on the proper side, the carter is to suffer medium deportation, the owner of the goods in the cart is to be heavily fined, and the carter's house-owner is to be fined.* (1741)

For killing any one whilst leading a pack horse or bullock, death. (1741)

For wounding or injuring any one from the same cause, medium deportation.

For wounding or maiming any one in consequence of an altercation, medium deportation.

But if the maiming be so severe as to prevent the earning of livelihood, banishment. (1741)

The inflicter of a wound or wounds on a towns-man or a peasant must pay him, for the expense of curing it or them, however few or many, one silver piece. (1646)

For wounding a wife whom one had formerly divorced, to be tattooed and then sent into slavery to the non-humans in a distant province. (Customary)

If a bonze who is lodging at the same inn kills or wounds a fellow-lodger, he is to be punished just the same as a layman would be.

But if he was the incumbent of a temple his punishment is to be one degree heavier. (1743)

If an infantry soldier (*ashigaru*, the lowest class of two-sworded man) is addressed in coarse and improper language by a petty towns-man or peasant, or is otherwise treated by such with insolence, so that he has no choice but to cut the aggressor

* The roads in those times were mere narrow tracks, not intended for other than traffic on foot. The above provisions are meant to apply to carts drawn by horses or by men. When the cart was drawn by a horse the carter always went ahead, when by a bull, the carter followed behind.

down on the spot; if after careful enquiry there be no doubt as to the fact, no notice is to be taken of it. (Customary)

If a man's son is killed by some one and he compromises the matter by a private settlement; he is to be expelled from the place. (1744)

If a relative or family connection kill a person from some wicked motive, and the matter is settled by private arrangement, the parties are to be fined.

The relatives of the murdered party are likewise to be fined. (Customary)

When, under like circumstances, a murder has been committed and the matter has been compromised between the parties, and no criminal information has been laid until after the murderer has been allowed to get away, the mayor is to be punished by medium deportation, and the chief of the punchayet is to be expelled (from his home locality).

(Customary, supplementary)

When a house is burnt down and a parent is burnt to death in it without the son or daughter making any attempt to rescue, death.

For allowing an elder brother or elder sister, an uncle or an aunt to be burnt to death in the conflagration, medium deportation. (1744)

If, when a man sees the body of his murdered parent, and, after conferring with the village functionaries and grudging the (official) expenses attendant on an investigation of the matter, makes no report of the facts to the authorities, and the matter is hushed up, the principal party is to be banished; the mayor is to receive minor deportation and the chief of the punchayets to be expelled. (1744)

The accessory to a murder which was committed without premeditation owing to a casual altercation is to be heavily fined. (1743)

72.—PUNISHMENT OF HOMICIDE WHICH, BEING DUE TO THE UNREASONABLE BEHAVIOUR OF THE OPPOSITE PARTY, IS NOT MURDER.

When, owing to the unreasonable behaviour of the opposite party, one has no option but to cut him down, if the relatives and mayor of the deceased acknowledge that he was ordinarily truculent, and making no excuses for him beg that the murder may be pardoned, the punishment is to be medium deportation.

But if the person killed be a servant in the employ of a *bushi* (i.e. samurai) even though his relatives and the others join in begging for the pardon of the slayer it is not to be granted; it is only to be granted on the request of his (samurai) master. (1742)

73.—OF WOUNDING A PERSON WHO DIES (NOT FROM THE WOUNDS BUT) FROM SOME OTHER ILLNESS.

If the wound which a person has received from another was not a mortal wound, and if during the course of treatment some other ailment carries him off, and if, after careful enquiry into the facts of the case, it clearly appears that it was not the wound but the extraneous illness which was the cause of death, the case is not to be regarded as one of murder.

(1738)

74.—PUNISHMENT OF ACCIDENTAL HOMICIDE.

When, in discharging an arrow from a bow or a shot from a gun, any one accidentally kills a person, if on investigation it clearly appears that it was an accident, then after hearing what the relatives of the deceased have to say about the matter, the punishment of banishment must be inflicted.

But if, before he died, the victim of the accident expressed a wish for the forgiveness of him who caused it, the punishment is to be mitigated one degree. (1741)

But if the accident occurred at a fixed archery ground or

at a fixed rifle range, owing to a person unexpectedly coming across the line of shooting and getting hit by an arrow or a bullet, even though he die of the wound, the person shooting is not to be held responsible, but he is to be ordered to remain at home for thirty days. (1741 and 1745)

If, by accident, any one inflicts on an opponent* a wound or hurt which causes death, the case must be investigated, and if it clearly appears to have been an unpremeditated accident, the court, after taking the views of the relatives of the deceased into consideration, must inflict the punishment of medium deportation.

But if, in the course of the investigation, it appears that due care was not exercised, the punishment is to be aggravated one degree. (1745)

75.—PUNISHMENT FOR THROWING STONES AT THE TIME OF A WEDDING.

Those who, on the occasion of a wedding, throw stones and behave in a disorderly manner (towards the wedding party) are to be punished, the ringleader by handcuffing for one hundred days, and the accomplices each for fifty days. (1742 and 1744)

76.—PUNISHMENT FOR ROWDY BEHAVIOUR.

If, within the Castle precincts (of Yedo, i.e. within the circuit of the outer moats), ten or more persons after having a dispute, fight or wrestle with one another, the principals on each side are to be sentenced to major deportation, and those who who assisted them are to be expelled from Yedo. (1740)

Any one who behaves in a disorderly manner and so raises a tumult in town or in other places is to be expelled from his domicile. (Customary)

If, however, he creates a disturbance in several places he is to be beaten and sentenced to medium deportation. (1742)

If, owing to some old grudge, ten or more persons confederate together and after creating a disturbance commit a murder, the ringleader is to be gibbeted.

* In fencing, wrestling, etc.

If, however, they wound a person the ringleader is to be put to death, and those who assisted the ringleader, whether in the killing or in the wounding, are to be sentenced to medium deportation. (Supplementary, 1743)

Those who, impelled by a grudge, in like manner confederate together and behaving in disorderly manner, smash house property or fixings, are to be punished, the ringleader by major deportation, those who assisted him by domiciliar expulsion. (Ditto)

77.—PUNISHMENT OF DRUNKARDS.

Any one who while in a state of drunkenness kills another is a murderer.

Even if the master of the person killed or his relations petition for the pardon of the murderer, it is not to be granted.

(1731)

Any one who while drunk inflicts a wound on another, who subsequently recovers, is to be ordered to defray the latter's medical expenses attendant on his cure.

If the drunken assailant be a servant, he is to be put in charge of his master; if otherwise, he is to be imprisoned. If the wound be a light one, he is to be put under bail of his (village) hostel.

(1722)

The expenses of cure are not to depend on the gravity or otherwise of the wound. In case the assailant be a daimyō's page, he is to pay two pieces of silver, if he be an ordinary vassal (*kachi samurai*), he is to pay one *ryō*, if an infantry soldier or an orderly of a samurai, one silver piece, if a henchman of a military family (i.e. of a daimyō), he is to be expelled from Yedo.

(1722)

When the inflicter of a wound is a townsman or a farmer, he is to pay one silver piece, for cure, to the person he wounded. If he is a townsman or farmer of low condition, the amount which he is to be ordered to pay over may be diminished accordingly.

(Customary)

If such assailant be unable to pay the cure-money, he is to be made to hand over his sword and dirk to the person he wounded. (1722)

If any person in a state of drunkenness commits an assault and battery on another, if unable to pay to the latter the cure-money, his house-fixings (i.e. the mats and sliding shutters of wood and paper) are to be taken in execution and given to the aggrieved party. If the assailant has no house-gear and is unable to pay any compensation, he is to be expelled from his domicile. (1722 and 1745)

Any one who, intoxicated with drink, smashes the house-gear of another, must pay the value of the articles destroyed or injured as compensation. If unable to pay compensation, he is to be expelled from his domicile. (Ditto)

Any one who, while intoxicated and behaving in a rowdy manner, inflicts a wound on himself, there being no opponent, is to be handed over to his master or other proper person to take charge of him.

But if the case be one which calls for punishment by the government, it is not to be so dealt with. Otherwise, if the government signifies its intention not to interfere, the culprit is to be handed over in charge to the proper quarter without delay. (1720)

If any person intoxicated is behaving in a disorderly manner, but not to the extent of wounding or smashing house-gear or such like, and if, after being arrested, he expresses a wish to return home, he is not to be detained.

And even if a complaint has been lodged in the court as to his disorderly condition, he may nevertheless be allowed to go free if he wishes. (1740)

78.—OF MURDER BY AN INSANE PERSON.

The killing of any one, even by a person whose mind is deranged, must be deemed to be murder.

But if the fact of the insanity is clearly proven, and if either

the master or the parents of the murdered person petition for the pardon of the murderer, the court, after careful scrutiny into the facts, may refer for instructions (to the Supreme Court, the *Hyōjōsho*). (1721 and 1738)

But if an insane person murders his master or his parent, even though the insanity be clearly proven, he is to be put to death. If he commits self-destruction, the corpse is to be refused proper burial (lit: to be thrown away). (1721)

If, owing to insanity, a man kills a person very much lower than himself in social standing, he is not to be deemed a murderer. (1734)

When one slays a rude fellow, it is to be deemed a (justifiable) cutting down, owing to the difference of high and low. (1742)

If, owing to insanity, any one sets fire to a house, unless the fact of insanity be very clearly proven, he is to be put to death. If the insanity be proven beyond doubt, he is to be handed over to his relatives with orders that he is henceforth to be kept in confinement. (1721 and 1743)

79.—PUNISHMENT OF OFFENDERS UNDER FIFTEEN YEARS OF AGE.

If a minor who has not yet reached the years of discretion kills any one, he is to be placed under bail with his relatives until he is fifteen years old, and then he is to be banished. (1741)

If a minor under the age of discretion sets fire to a house, he is to be, in like manner as above, kept under bail by his relatives until fifteen, and then to be banished. (Do.)

If a minor commits theft, his punishment is to be one degree lighter than that of an adult. (Do.)

If a minor under fifteen without a domicile, when travelling or on a similar occasion, commits petty larceny, he is to be put under the power of the non-humans. (1742)

80.—OF THOSE WHO AID THE ESCAPE OF CRIMINALS OR WHO KNOWINGLY CONCEAL THEIR WHEREABOUTS.

As regards incendiaries,
Robbers who commit homicide,
Bandits,
Highwaymen and such like,

Any one who, on being requested or required, conceals the whereabouts of any of the above sorts of criminals, or who renders them aid in keeping out of the way, even though he was not an accomplice in any way of their crimes, is to be put to death. (1740)

As regards those who, in the heat of a quarrel or dispute, kill any one without premeditation,

Any one who, on being appealed to on the ground of justice, and not being in any way an accomplice, conceals such a criminal as above, or assists him in keeping out of the way (of the law), must be severely reprimanded. (Do.)

81.—OF THOSE CRIMINALS FOR WHOM SEARCH IS TO BE MADE BY MEANS OF A DESCRIPTION OF THEIR PERSONAL APPEARANCE.

As regards a treasonable conspirator against the government,
A murderer of one's master,
A murderer of one's parent,
An infringer of a government barrier,*

Any one who knowingly keeps in concealment, or takes into his employ in any sort of service, and fails to report to the authorities, a criminal of any of the above kinds for whom a search is being made by means of a published personal description, is to be decapitated and his head gibbeted.

If he knowingly stands security for such a criminal, so as to enable him to be taken into service by an innocent party, he is equally guilty with the criminal. If, after close investigation of the facts, it is proven that he was ignorant of the criminal's identity, both the employer and the surety are to be fined.

(1742)

* The Hakone and 4 or 5 other barriers in outlying strategic places are meant.

82.—SEARCH FOR RUNAWAY CRIMINALS.

The (task of) searching for runaway criminals is not to be imposed (by the court) in the following cases :—

A retainer is not to search for his master,

A child is not to search for his parent,

A younger brother is not to search for his elder brother,

A nephew is not to search for his uncle, (1726)

A pupil is not to search for his teacher, (1742)

In cases of deliberately planned murder, of assassination, or of murder perpetrated by one who enters a house in disguise, when the culprit runs away, a near relative must first of all be sent to prison. As regards the duty of making search for the runaway, if he be not traced within three months, an order must be issued* for his discovery within one hundred days. In case he is not traced out inside that period, some near connection amongst those who were ordered to search for him is to be punished by medium deportation; the others are to be fined and ordered to keep up a continual search.

As regards the runaway, however, even amongst the relatives who are subordinate to his authority (*ko-gata*) one of them must first be sent to prison; then the runaway's house-guarantor, his house-lessor, and his punchayet (in town) in the country districts, the mayor of the village, the head of the punchayets, must be ordered to undertake the search. In case no trace of the runaway is found, the relative is to be let out of prison, and those who were ordered to make search are first of all to be fined and then ordered to keep up a continual search. Then as regards the relative who was imprisoned, if he was *in loco parentis* to the runaway, he is to be ordered to make the search in co-operation with the others aforesaid. If no trace of the culprit is found, the relative is to be sentenced to medium deportation, and the others are to be first of all fined and then ordered to keep up a continual search. (1742)

* To the mayor, punchayet, etc., of the domicile.

If one who has killed another in the course of a quarrel or altercation runs away, the duration of the search for him is to be fixed at six months. If he is not traced within that time, those responsible for the search are to be fined and ordered to keep up a continual search. If, in a case calling for punishment, any of the persons implicated runs away and if, after six months have elapsed, no trace of him has been found, punishment is to be inflicted on the others. (1720)

In such cases as the above, no order need be made for the imprisonment of relatives, or for putting under bail. (1742)

In general, when a culprit has run away, and the case is before the court, search is to be ordered, and if, after waiting for about thirty days, no trace has been found, the trial of the others may be proceeded with, irrespective of the runaway, and punishment is to be inflicted on such of them as make confession of their guilt. (1747)

83.—OF THE CASES IN WHICH TORTURE IS TO BE APPLIED.

Murder.
Arson. } (1722)
Robbery. }

Breach of barrier-guard.
Treason either by correspondence } (1740)
or treasonable conspiracy. }

In any of the above cases if the accused refuses to confess, notwithstanding the fact that there is clear proof of his guilt, or if, notwithstanding the fact that some of his accomplices have made confession, the principal accused refuses to confess, torture is to be applied.

If, whilst an investigation is proceeding, the commission of some other crime by the accused is clearly ascertained, for which the death penalty is imposable, he may be tortured.

(1722)

If, besides the cases above specified, there should be also some other instances in which it would be advisable to apply

torture, it may be applied, after a consultation between the judges of the court. (1722)

When torture or severe cross-examination has to be resorted to, a reporter should be sent (from the court), to take careful note of the circumstances of the enquiry, and of the statements of the accused. (1743 and 1745)

84.—PUNISHMENT OF OFFENCES AGAIN COMMITTED BY BANISHED CRIMINALS.

If a criminal during banishment commits a capital crime, he is to be decapitated on the island whereon he is in banishment.

Any of his fellow exiles who were accessories to his crime, or who are importunate in asking for favours, or who are refractory in their behaviour, are to be changed to a different island. (Customary)

Those who escape from their island of banishment are to be decapitated. (1742)

85.—PUNISHMENT OF THOSE WHO ESCAPE FROM PRISON, WHO SLIP THEIR HAND-CUFFS, OR WHO RETURN TO THE TERRITORIAL AREA WHICH THEY HAVE BEEN FORBIDDEN TO RE-ENTER.

Any one who makes an escape from imprisonment is to be sentenced to one degree heavier punishment than that of his original sentence. (1742)

As regards those who have been let go free when a fire breaks out in the prison and who do not return, no further criminality is to be imputed, but (when caught) they are to be made to serve out their original sentence. (Do.)

Those who, on the like occasion, voluntarily return to custody, are to have their punishment mitigated by one degree. (Do.)

As regards those who slip their hand-cuffs, if the slipping (at home) was due to carelessness, they are to be hand-cuffed for double the time first imposed. As for those who slip their

hand-cuffs whilst the investigation into their case is still going on, they are to be hand-cuffed (in prison) for one hundred days.

(1744)

But any one who slips his hand-cuffs and runs away is to be sentenced to one degree heavier punishment than that for which he was liable.

(1742)

Any one who helps another to slip his hand-cuffs is to be fined.

(1742)

But if the criminal runs away after the hand-cuffs were slipped, the helper is to be sentenced to minor deportation.

And the house-owner in whose bail the culprit was, is to be fined.

(1744)

But if the culprit runs away the house-holder is to be ordered to search for and find him, and if he fails to do so, is to be fined heavily.

(1745)

If an accused person who is out on bail (*yado-adsuke no mono*) runs away, he is to be punished one degree heavier than that to which he was liable.

(1742)

Any one who prowls about in the district which he has been forbidden to re-enter, is to be punished one degree heavier than that of his first sentence.

(Customary)

If any one who has been sentenced to deportation (*tsui-hō*) or expulsion (*tokoro-barai*) return; immediately to the town or village where he was living, this is proof of his refusal to conform to the government's punishment (*siri-oki*), and he is consequently to be tattooed, and to be sentenced to one degree heavier punishment than that first imposed on him.

(1716 and 1745)

Those who conceal or harbour any one against whom a sentence of exclusion (*kamae*) has been pronounced are to be punished as follows :—

If the concealed culprit was sentenced to banishment, the harbourer is to be expelled from Yedo; if to expulsion from Yedo, the harbourer is to be punished by local expulsion (*tokoro-barai*).

(1716 and 1745)

If any one who had been sentenced to deportation or other degree of local exclusion (*on kamae*), besides skulking within the forbidden area, commits a further offence, such offence being punishable by tatooing or upwards, he is to be put to death.

If the further offence be not so serious as to be itself punishable by tatooing, the offender's original punishment is to be aggravated one degree. (Do.)

Any one to whose charge an accused person was entrusted and who allows him to escape, is to be made responsible for finding him, and, in case of failure, to be fined. (Customary)

Any one punished by tatooing who obliterates the marks and returns to the area from which he was judicially excluded is to be again tatooed, and to be sentenced to one degree heavier punishment than that originally imposed.

And if such a person again commits an offence punishable by tatooing or upwards, he is to be put to death.

(1717 and 1745)

Any one who obliterates the tatooing of a culprit is to be bastinadoed. (Do.)

Any one who, after being punished by tatooing, commits theft is to be put to death.

If the second offence be other (i.e. lighter) than theft, the punishment is to be severe bastinadoing. (1743)

If any one who has once been sentenced to deportation returns to the forbidden district and is guilty of violent behaviour he is to be put to death. (Do.)

If any one who has been put in charge of his hostel (*yado-adsuke*) puts into the complaint-box an improper petition, or irregularly petitions a higher than the proper authority, and with the intent of eluding the jurisdiction of the court, changes his hostel, he is to be taken back to his hostel and sentenced to be handcuffed. (Do.)

Any one who stands guarantor for a person who is under sentence of deportation, even though he was unaware of the

fact, but omitted to make proper investigation into the other's antecedents, is to be fined. (Customary)

Any one who, relying merely on a guarantee, and without making proper enquiry into antecedents, keeps in his shop a person who is under sentence of deportation, is to be fined.

(Do., Supplementary)

86.—PUNISHMENT OF STREET CROSS-ROADS WATCHMEN.

A watchman who within his beat picks up money or goods and keeps it hidden is to be punished, if the money or property was upwards of one *ryō* in amount or value, with death: if the money or property was under one *ryō* in value, the punishment is to be tatooing and bastinadoing.

(Customary and 1744)

A watchman who in his beat, sees a murder committed, or wounds inflicted, and who takes no notice, but allows the assailant to escape, is to be sentenced to medium deportation.

(1742)

Watchmen who gamble at their watch-house are to be banished.

(Do.)

A watchman who, when a castaway infant or a case of serious illness is found within his beat, passes them on to somewhere else (instead of investigating and reporting), is to be put to death.

(1723)

If a watchman suppresses the fact of a sudden death having occurred in his beat, and casts away the corpse, he is to be expelled from Yedo.

87.—OF PICKLING IN SALT THE CORPSES OF THE WORST CRIMINALS.

The murderer of one's master; (1717)

The murderer of a parent; (Do.)

The transgressor of a barrier; (1742)

A treasonable conspirator. (Do.)

The corpses of the above culprits (after they have committed suicide in order to escape punishment) are to be pickled in salt

and then punished. It is unnecessary to pickle any others than those. (1721)

88.—OF SENDING PRISONERS TO THE WAITING-ROOM OF THE COURT-HOUSE.

Persons sentenced to imprisonment are not to be first of all sent to the waiting-room of the tribunal. If, however, after being imprisoned, a case of serious illness occurs, whilst the question of punishment is under consideration by the High Court, the prisoner is not to be sent to the waiting-room of the court.

(1722 and 1742)

The perpetrator of an inhuman crime (*gyaku-sai*), even if he falls ill, is not to be sent from the prison to the court waiting-room. (1742)

89.—OF THE DISPOSAL OF HOMELESS OFFENDERS.

If there be any one to whom such an offender ought to be handed over, the party in question should be summoned to the court and the prisoner handed over to him. (Customary)

In case there should not be any one to whom the homeless prisoner ought to be handed over, he is to be publicly dismissed from before the gate of the court-house. (1724)

But in case of sickness, he is to be left in charge at the court-house waiting-room. (Customary)

In case of a person from a distant province falling down ill on the road, he is to be left in charge at the court-house waiting-room until he recovers, and if he is a subject of a daimyō of 10,000 *koku* or upwards, he is to be handed over to his lord; should he belong to a feudatory of under 10,000 *koku* in the government demesne, his relatives are to be summoned to Yedo and the man handed over to them. (1724)

If, however, he had committed an offence in his native district, or had run away from home, or had long been estranged from his relations, and if he has no friendly companions, he is to be publicly dismissed from before the court-house gate.

(Customary)

If the homeless prisoner be one from a distant province who has been tatooed or bastinadoed, the feudatory to whom he is subject is to be informed of the nature of his offence; but an intimation should be given that it is not necessary to have the culprit expressly sent back to the fief to the lord of which he should be handed over. (1721 and 1738)

But, as in the preceding case, should he be an old offender, runaway etc., he is to be publicly dismissed from before the court-house gate. (Customary)

90.—PUNISHMENT FOR VIOLENTLY CARRYING OFF A DISSEVERED FORMER WIFE.

An adopted son-in-law who, for unfilial behaviour to his adoptive parents, or for unprincipled or immoral conduct, has been sent back to his own family, and who, when another adoptive son-in-law is being married to the girl, assembles his companions and as former husband carries her forcibly away, is to be put to death, the ring-leader amongst his associates is to have his lands and household effects confiscated and to be expelled from the locality, and the others his associates are to be fined.

If, however, no wounds have been inflicted on any one, and if, in addition, the adoptive father-in-law's people intercede on his behalf, the offender's punishment may be reduced to major deportation. (1744)

91.—PUNISHMENT OF A COURIER WHO OPENS A LETTER AND SPENDS MONEY ENCLOSED IN IT.

Any courier who receives for conveyance a letter in which money is enclosed and who on the way opens it and spends the money shall, irrespective of the amount of the money, be led around for public exposure and be put to death. (1744)

92.—DISPOSAL OF CASES RELATING TO GOODS PAWNED.

Within eight months, goods pawned may be ordered (by

the court) to be returned to the owner (i.e. on repayment of the loan and interest); after eight months have elapsed (without repayment) the goods are to be declared forfeited to the pawn-broker.

But the pledger of the goods and the pawn-broker may, by private agreement between themselves, make a different arrangement. (Customary)

If, when a pledger of goods has duly paid the interest on the loan and applies for the return of the goods (against payment of the principal), he is told by the pawn-broker that the goods have been sold, and they are not returned, the court shall order the goods to be restored and the pawn-broker to be fined.

If, however, the party to whom the goods were sold cannot be ascertained, the pawn-broker shall be ordered to pay double the value of them to the pawnor and be fined as well. (1744)

A pawn-broker who, on receiving goods in pawn from a person, takes from him a double seal (one the ordinary pawn-ticket, the other in blank), and who afterwards, on learning that the goods are likely to be the subjects of an official enquiry, returns them to the pledger, and fills up the other sealed document as a receipt for money advanced as a deposit at call, and in addition falsifies the entry in his pawn-register, is to have his personal property confiscated and to be expelled from Yedo.

(Customary)

93.—OF THE OFFENCE OF SENDING OFF TO THE NEXT POST-TOWN
(*shuku*) A TRAVELLER WHO HAS FALLEN SICK.

If an innkeeper, when one of his guests falls sick, not only neglects to obtain medical aid but sends off the patient to the next post station, the innkeeper is to be expelled from the locality, the transport manager of the post station (*toi-ya*) is to be deprived of his function, and the elders of the post town are to be heavily fined.

If the offence is committed not on one of the highroads but in an out-of-the-way side-road, where there was no

transport manager (*toi-ya*), the headman of the village is to be deprived of his position. (Customary)

94.—PUNISHMENT OF FARMERS OR TOWNSFOLK WHO WEAR SWORDS.

If any farmer or townsman of his own motion wears (the two) swords (of a *samurai*), both the sword and the dirk are to be confiscated, and he is to be punished with minor deportation. (Do.)

95.—THE OFFENCE OF ERECTING HOUSES ON NEWLY CULTIVATED LAND WITHOUT OBTAINING PERMISSION.*

Any one who, without giving notice, puts up a house on newly tilled land is to be ordered to remove the house, and is to be fined. (Do.)

96.—OF THE OFFENCE OF CONCEALMENT IN RESPECT OF THE CONFISCATED FIELDS OF A PERSON WHO HAS BEEN PUNISHED BY THE AUTHORITIES.

If any concealment is practised with regard to land, whether of wet or dry fields, that was liable to confiscation, the village headman is to be sentenced to minor deportation, and the chief of the punchayets (*kunigashira*) is to be expelled the locality. (1744)

97.—OF PETITIONS ON BEHALF OF THE ELDEST SONS OF PERSONS CAPITALLY PUNISHED PRAYING THAT THEY MAY BE ALLOWED TO BECOME MONKS.

The eldest son of a person punished by the government and therefore, as such, liable to banishment or deportation may, if of tender years, be put in charge of his relations until he is fifteen; and if in the meanwhile a petition be received from a

* During the first three years after bringing moor land under cultivation, no land-tax was payable on it to the government.

monastery or temple on his behalf, praying that he be allowed to become a monk, such petition may, on reference to the government, be granted by the court.

Once, however, having become a monk, he must not frequent Yedo, but must definitely fix on some one place as his abode, and when he goes to any other place from there he must, of course, report his movements to the Magistrate's court.

He must not be appointed the incumbent of any temple holding glebe land under an imperial grant, or which has special relations with the Imperial family, or one whose incumbent has the right of audience with the Shōgun. If, however, there should be some good reason for making an exception to the rule excluding him from such appointments, or if he should have occasion, by reason of some public business, to come to Yedo, he must in such cases apply for permission to the Magistrate's court; and when the permission for his becoming a monk is granted, a bond, sealed both by the incumbent as teacher and the applicant as his pupil, undertaking to conform to these conditions, must be sent in. (Customary)

98.—THE REPROOF OF VILLAGE FUNCTIONARIES WHO FAIL TO KEEP ACCOUNTS OF THE LAND-TAX AND LABOUR-DUES AND OF THE VILLAGE EXPENDITURES, AND IMPRESSIONS OF THE SEALS (OF THE VILLAGE HOUSE-HOLDERS).

In cases where the accounts of the land-tax and the labour-services and the village expenditures are not shown to the whole body of the farmers, and likewise in cases where sample impressions of their seals have not been kept;

The mayor is to be fined and deprived of his post and the chief of the punchayets (*kumigashira*) is to be fined. (1744)

In case the mayor and *kumigashira* were influenced by private greed, the mayor's personal property is to be confiscated and he is to be expelled from the place, and the *kumigashira* is to be deprived of his function and fined.

99.—REMISSION OF (FURTHER) PUNISHMENT IN CASES WHERE
LIGHT OFFENCES HAVE ALREADY BEEN DEALT WITH BY
IMPRISONMENT.

In cases where persons charged with light offences, punishable by hand-cuffing, fines, or domiciliary confinement, have undergone imprisonment for more than sixty days whilst the investigation of their case was going on, they are to be let out of prison and to be pronounced guilty, but are to be informed that pardon is extended to them in consideration of their having been some days in prison.

Similar offenders, however, who have not undergone imprisonment, are to receive the appropriate condemnation.

But those who are liable to be punished by expulsion from their localities or by deprivation of their functions are not to be admitted to the benefit of the pardon, however many months they may have been in prison.

Persons liable to the punishment of bastinadoing, if, in the course of their examination they have been subjected to torture, need not afterwards be sentenced to undergo the infliction of it.

(1745)

100.—A DISTINCTION BETWEEN LIGHT AND HEAVY DEGREES OF
GUILT IS TO BE MADE IN CASES WHERE THE OFFENCE,
THOUGH COMING UNDER ONE OF THE CATEGORIES OF
SERIOUS CRIME, HAS NOT ACTUALLY RESULTED IN DOING
MUCH HARM TO OTHER PERSONS.

The sale of counterfeit medicines is a capital crime; but the counterfeiting and sale of other things not endangering human life is to be dealt with more leniently.

The private fabrication of measures and weights and scales which do not appreciably differ from the standards and which consequently do not cause loss or damage to others may be dealt with more leniently than if fraudulent.

When a very poor person sends his child to be adopted by another in the same rank of life and the adoptive parent, having

virtually bought it, then sells the child to some one else, the case is not to be dealt with so seriously as if the child had been kidnapped and then sold.

Although the person who harbours a murderer is as guilty as the criminal himself, if the murder was the result of an unpremeditated quarrel and the circumstances were such as to give some grounds for concealment, the harbouring of the offender may be treated with some leniency.

In general, whenever there has been a violation of governmental enactments, informations or complaints must be supported by proofs. The forging of documents, however, or the affixing of seals to the names of fictitious persons for the gratification of private feelings by getting others into trouble is quite a different thing from proofs.

In cases such as those above indicated, the main question is not the mere technical designation of the offences. The cases should be dealt with on their merits. (1744)

101.—(SUPPLEMENTAL) IF, DURING THE INVESTIGATION OF A CRIMINAL CHARGE, THE COMMISSION OF SOME OTHER OFFENCE IS BROUGHT TO LIGHT, IT WILL NOT BE NECESSARY TO ENQUIRE INTO THE LATTER AFTER THE DECISION IN THE ORIGINAL CHARGE HAS BEEN RENDERED BY THE GOVERNMENT.

In general, whenever, arising out of the investigation of an offence, information is given of the commission of other offences, such extraneous charges need not be gone into, even if there was no acquittal of the old offence, but the originally instituted trial must be carried to a conclusion and an appropriate sentence pronounced. (1745)

102.—(SUPPLEMENTAL) OF ACCOMPLICES WHO, WHEN A CRIMINAL ENQUIRY IS INSTITUTED, MAKE PROMPT CONFESSION.

In all cases when a criminal enquiry is instituted, if one of the accomplices or of the accessories immediately makes

confession, whereby the other confederates are discovered, such confessing culprit shall have his punishment mitigated one degree.

103.—OF THE MODES OF PUNISHMENT.

Death by the pulling of the saw. (Customary)

After being led around for public exposure for one day the criminal is to have sword-cuts made in both shoulders, then a bamboo saw smeared with the blood is to be placed on each side of him where he is exposed for two days to public view, and any person who, detesting his crime, is willing to pull the saw or saws is to be at liberty to do so. (1721)

And his lands, house-plot, house and house-gear are all to be confiscated. (Customary)

CRUCIFIXION. (Customary)

Ordinarily the punishment of crucifixion is to be carried out either at Asakusa or at Shinagawa; but there may be cases in which the culprit should be sent for punishment to the place where he committed the crime. A placard recording the facts of the crime and the punishment is to be exhibited for three days near to the corpse, which is to be handed over (not to relatives but) to the Eta (pariah) attendants for inhumation.

Whether or not the criminal is to be led around for public exposure previous to being crucified depends on the circumstances of the case, and similarly as regards the confiscation of his property.

GIBBETTING (AFTER DECAPITATION). (Customary)

Ordinarily, Asakusa and Shinagawa are the places where the head of the executed criminal is to be exposed, but in country places it may be exposed at the scene of the crime. As regards the previous leading around for exposure, the prescription placard and the disposal of the head, the rules are to be the same as in the preceding (crucifixion) section.

The decapitation is to be performed inside the prison. Whether confiscation is to follow depends on the circumstances of the case.

BURNING TO DEATH.

(Customary)

After being led around for exposure the criminal is to be burned either at Asakusa or at Shinagawa, but when the circumstances call for it, the burning may take place at the scene of the crime.

The placing of a denunciatory placard and the disposal of the remains to be the same as in the preceding section.

If the incendiarism was not perpetrated for the sake of pilfering (during the confusion of the conflagration) the placing of a denunciatory placard is not necessary. Whether or not the property is to be confiscated depends on the circumstances of the case (i.e. if the arson was perpetrated only from malice or revenge, confiscation is not to follow).

DECAPITATION (PUBLIC).

The public beheading of criminals is to be performed either at Asakusa or at Shinagawa, by the lictors (*dōshin*) of the city magistrate. A coroner, a fourth-class overseer (*kachi-metsuke*)* and gens d'armes (*yoriki*) are to be present at the function (and to report to the government).

As regards confiscation of the property, the same rule as in preceding section is to apply.

DEATH.

After lopping off the head, the corpse is to be thrown away as a *tameshi mono* (i.e. chopping block for any two-sworded

* The position and duties of the *metsuke* were very various, as overseers, observers, detectives and spies. They had "to keep their eye on" persons or matters of a nature likely to cause inconvenience or embarrassment to the government. They were divided into four classes *Ō-metsuke*, *Ko-metsuke*, *Yoko-metsuke* and *Kachimetsuke*.

man to try his blade on ; needless to say, only commoners were thus punished).

Confiscation or not of property, as customary in preceding sections.

KILLING ADVERSARY IN A FIGHT.

The head to be lopped off and the corpse thrown away ; but it is not to be made a chopping block (*tameshi mono*). (Ditto)

EXPOSURE IN CANGUE.

The culprit is to be exposed (in bonds) for three days on the Nihon-bashi (the central bridge of the city).

But if he be a person belonging to the new Yoshiwara (public brothel) and his offence be specially connected with that locality, the exposure should be made at the front entrance of the main gate of the new Yoshiwara (as being a very frequented spot). (1740)

BANISHMENT.

Persons who are to be banished from Yedo may be sent to any one of the following islands :—

Oshima,
Hachijo,
Miyake,
Niijima,
Kamitsu,
Mikura,
Toshi.

Those who are to be banished from Kyōto, Ōsaka, Saikoku (i.e. Kyushu) or the Chugoku (i.e. the sixteen provinces of the S. W. part of the main island constituting the Sanyodō and Sanindō), may be sent to any of the five island of Satsuma, or to the provinces of Oki or Iki or to the canton (*kori*) of Amakusa.

Banishment involves confiscation of the culprit's lands, houses and personal property.

MAJOR DEPORTATION.

The offender is to be deported and forbidden to enter within the limits of such territorial area as the government may prescribe.

(Customary)

In 1742 these limits were defined to be the provinces of Musashi, Sagami, Kōzuke, Shimotsuke, Awa, Kazusa, Shimosa, Hitachi, Yamashiro, Settsu, Izumi, Yamato, Hizen and the public highway of the Tokaidō and the Kiso road, also the provinces of Kai and Suruga.

Major deportation involves confiscation of the offender's whole estate lands, houses and effects.

MEDIUM DEPORTATION.

This likewise means deportation and permanent exclusion of the offender from such territorial area of the country as may be prescribed by the government.

(Customary)

In 1742, the limits of this area were fixed as follows:—Musashi, Yamashiro, Settsu, Izumi, Yamato, Hizen, the Tokaidō highway, the Kiso roadway, Shimotsuke, the highway from Yedo to Nikko, Kai and Suruga.

Confiscation in this case includes the fields and house, but not the personal effects of the offender.

(Customary)

MINOR DEPORTATION.

Expulsion and permanent exclusion from the districts prescribed by the government.

(Customary)

In 1742 the forbidden districts were fixed to be:—ten *ri* (25 miles) from Yedo in any direction, the cities of Kyōto and Ōsaka, the Tokaidō highway, Nikko, the road between Yedo and Nikko.

Confiscation follows as in the preceding case. (Customary)

(ADDITIONAL ENACTMENT MADE IN 1742.)

In all cases of sentences of deportation, whether major, medium or minor and irrespective of the offender's place of domicile, the province in which he resides and is to reside must

be entered in the judgment order; and if it was in a province distant from his own that he committed the offence, both provinces—that in which he is to reside and that in which the offence was committed, are to be specified in the judgment order, which is to be handed to him.*

Persons sentenced to deportation whether major, medium or minor are to be taken to a place outside the suburbs of Yedo and thence formally expelled. Samurai sentenced to this punishment are to be expelled from the place where they have been in detention, and their sword and dirk are to be handed over to them again.

(Customary)

At Kyōto, when a sentence of major deportation is passed upon any one, not only the forbidden districts specified above, but also the three provinces of Kawachi, Ōmi and Tamba are to be added to the list of places interdicted. But in cases of medium and minor deportation there, no change need be made.

DEPORTATION TO BEYOND TEN *ri* (25 MILES) FROM YEDO. (1742)

THE RADIUS TO BE MEASURED FROM THE NIHON BASHI (THE CENTRE OF THE CITY).

(Customary)

If the offender be domiciled in a village he is also to be interdicted from living in it, but his property is not to be confiscated. If, however, avarice was the motive of his misfeasance, his fields and house-plot (and house) are to be confiscated. Of course, if he should be in arrears as regards payment of his land tax and such like, his personal property is to be confiscated as well.

(1744)

EXPULSION FROM YEDO.

The localities in the city interdicted to a person sentenced to this punishment are Shinagawa, Itabashi, Senju, Honjo, Fukagawa and Yotsuya Okido.

(Do.)

Only the city magistrate may impose it, and the rules as to confiscation laid down in the preceding section are to apply.

* Such offenders were known as (*keijo-mochi*) penal sentence-holders.

EXPULSION FROM DOMICILE.

In the country the offender is to be expelled from the village in which he resides; a townsman of Yedo from the street in which he resides. (Customary)

But there is to be no confiscation of property, unless the motive of his wrongdoing was greediness, in which case his farm and house is to be confiscated, and if he be in arrears in payment of his land-tax and so forth, his personal effects may also be confiscated. (1744)

Of deportation major, medium or minor of towns-people and peasants (without property). (Supplementary, 1745)

When any one (of this plebeian standing) is sentenced to major deportation the confiscation is to include any lands, house-plot, and house and furniture he may have; when to medium deportation, his land and home-stead; when to minor deportation, his land. But if he have neither land nor home-stead, his furniture and effects are confiscable. If he is without either land, home-stead or furniture, he should be sentenced to deportation simply, without making any distinction as to major or minor.

Aggravation of punishment by one degree. (1744)

The punishments which may be aggravated by one degree are banishment and the lighter punishments below it. Any one punishable by major deportation may be tatooed or bastinadoed in addition.

A person punishable by medium deportation may be sentenced to major deportation.

A person punishable by minor deportation may be sentenced to medium deportation.

A person punishable by expulsion from domicile may be sentenced to expulsion from Yedo.

In all cases of such aggravation, however, the judge must carefully consider whether the heavier punishment is required.

Mitigation of punishment by one degree. (1744)

A person punishable by death may be sentenced to banishment or to major deportation.

A person punishable by banishment may be sentenced to major deportation.

Discretion must be exercised, however, in estimating the degrees of culpability. (Supplemental, 1717 and 1744)

FINES.

Fines to the extent of one half, or two thirds or one third of the assessed value of the offender's land (likely wet and dry fields) may be imposed as follows :—

Five *kwammon* per *tan* (about $\frac{1}{3}$ acre) upon two thirds of the offender's acreage assessment.

Three *kwammon* per *tan* upon one half of the acreage assessment.

Two *kwammon* per *tan* upon one third of the acreage assessment.

Expulsion (with ignominy). This is performed from the front gate of the Magistrate's court. (Customary)

ENSLAVEMENT.

The offender is to be handed over to any one who wants his services.

But if no one wants to have him he is to be kept on in prison. (Customary)

Expulsion (ignominious of a bonze) from his monastery.

The offender is to be prohibited from ever returning to the temple in which he resided, and his public dismissal is to be performed from the court immediately after the sentence is passed upon him. (Customary)

Retirement of a bonze from his monastery.

The offender is to be ordered to resign from the temple in which he was residing. (Customary)

Excommunication (of a bonze) from his sect.

The offender is to be altogether cast out from the sect to which he belongs. (Customary)

Excommunication (of a bonze) from his sub-sect.

One who is sentenced to this punishment may nevertheless be allowed to join another branch (sub-sect) of the same sect.

DECAPITATION.

The beheading is to be done by the *dōshin* (lictors) of the city Magistrate's staff at either Asakusa or Shinagawa; the coroner's inspection and report to be made by the *kachimetsuke* (lit. the foot-watch) and the city auxiliaries (*yoriki*).^{*} But as regards the confiscation of the property the gravity or lightness of the guilt should be taken into consideration.

CANCELLATION OF THE FEUDAL TIE.

(After being convicted of the offence) his sword and dirk are to be handed over to him and he is to be allowed to go back to his house. Shortly after that, he is to be told to clear out. His house and ground-plot are to be confiscated, but his personal property is to be left to him. (Customary)

Home-imprisonment (*hei-mon*, literally gate-closure; a punishment for samurai). (Customary)

The gates, front and back, of the house-enclosure are to be fastened up and the window-shutters of the house closed, but they need not be nailed up. (Customary)

They may be opened, of course, at night-time in case a physician has to be called in to attend to a case of illness, also in case a fire breaks out in the house itself. If a fire breaks out in the neighbourhood, measures necessary to prevent the house catching fire may be taken. As a general rule, in cases of fire, if the safety of the house is imperilled the inmates may withdraw from it, and the circumstances must be reported to the proper authority of the offender sentenced to the punishment.

(1621)

SECLUSION. (A SAMURAI PUNISHMENT.)

The offender's gate to be shut up; but he may pass in and

^{*} These *Yoriki* were not officials, but only retainers of the Tokugawa house, next in rank below the *Hatamoto*: there were some thousands of them.

out through the side wicket at night time, in a manner not to attract attention. (Customary)

The exemptions, on occasions of emergency, to be same as in the preceding paragraph. (1621)

DISCIPLINARY RESERVE.

The gate to be closed and the side-wicket left on the latch, and the offender may pass in and out during the night in a way not to attract attention. (Customary)

The exceptional emergency occasions are to be same as in preceding paragraphs. (1621)

BASTINADO.

Fifty blows to be the normal number ; severe flogging, one hundred blows.

To be inflicted publicly in front of the prison gate, along the culprit's shoulders, back and buttocks, avoiding the spine, so that he may not faint. (Two) coroners are to be sent (from the court) and the flogging is to be administered by the prison warders (*dōshin*).

If the culprit be a townsman his land-lord and the headman of his street, if a countryman his village mayor and the headman of the punchayets are to be summoned to witness the flogging and to take charge of him afterwards. If he has no home, he is to be discharged to go his way in front of the prison gate. (1720)

TATTOOING.

To be performed in the prison ; two stripes each $\frac{3}{4}$ of an inch broad all round the upper arm.

After the wound on the arm has healed the offender to be discharged from prison. (1720)

FASTENING UP THE HOUSE-DOOR.

The door of the house to be shut and the bar across it fastened with nails. (Customary)

HAND-CUFFING.

The manacles to be fastened on by the person whose duty it is and then sealed (with paper), the seal to be examined every fifth day. In cases of hand-cuffing for one hundred days, the seal to be examined every second day. (Customary)

HOUSE CONFINEMENT.

The offender not to be allowed to go outside his house, but the door not to be fastened up. (Customary)

FINES.

To be of three *kwannon* and of five *kwannon*.

However, in the more serious cases, ten *ryō*, and even twenty or thirty *ryō* may be imposed, according to the offender's means, or in case of villages in proportion to their tax assessment, the amount of the fine to be fixed by the court; the payment to be made within three days from the date of judgment. In cases where the offender's means are very small and he is unable to pay a fine, hand-cuffing to be imposed instead. (1718)

DOUBLE PUNISHMENTS.

These are to be :—

To deprivation of office may be added a fine.

To a fine may be added either fastening up of door or hand-cuffs.

To flogging may be added deportation or expulsion.

To tattooing may be added deportation, flogging or expulsion. (1723)

SUPPLEMENTAL : CUSTOMARY.

At Yamada in the province of Ise, the gods' glebe, the severer modes of capital punishment, crucifixion, burning at the stake and gibbetting, which involve exposure of the corpse, are not to be imposed.

SUPPLEMENTAL, 1743.

As regards women who have incurred culpability (by

evading the Hakone or other barrier) the trial and sentence of such is to take place (not at Yedo but) at the barrier before the Barrier Magistrate (*Sekisho Bugyō*), who may impose punishment up to but not beyond medium deportation.

The province of Sagami being outside the government's venue, medium deportation or a minor sentence may be imposed (but not a heavier) by the Barrier Magistrate (who was always a retainer of the Daimyō of Odawara).*

SUPPLEMENTAL, 1753.

If the offending woman be of the townsfolk or farming class, even major deportation may be imposed.†

When a person who is being banished encounters a storm at sea and is shipwrecked, if his life is saved he is still to be sent into banishment. If after escaping from shipwreck he is lost from view and his whereabouts is not known, a notification giving a description of his personal appearance is to be circulated to the various sea-ports, and his relatives are to be required to make search for him. (1744)

When a banished person, meeting at sea with contrary winds, is blown about from port to port, the port officials at each place he touches at are to put out a guard-boat, and, as soon as the wind becomes favourable, send his boat out to sea again. In case his boat should be wrecked, the convict is to be put on shore, and the people of the place are to be ordered to keep guard over him, and as soon as the official instruction is received, they are to fit up another boat and send him on to his place of banishment. (Customary)

SUPPLEMENTAL, CUSTOMARY.

Should the banished convict die on the passage at sea, if the boat is in front of the barrier (of Nebukawa in Idzu) the

* The women above meant were of the samurai class or above.

† Though not so stated here, in such cases the approval of the High Court at Yedo would have to be obtained by the Barrier Magistrate.

guards there are to be shown the corpse for identification, and it is to be buried there.

If, however, the boat should have got beyond the barrier when the death occurs, the corpse is to be given in charge at the locality, and a certificate obtained from the headman of the village (*nanushi*) and from the (Buddhist) temple, which is to be compared with the official certificate (i.e. the warrant of banishment), and given to the keeper of the island to which the deceased was being banished.

If the death occurs in the vicinity of the island, the corpse is to be handed over to the keeper of the island.

(Supplemental, Customary)

When the banished person is of the rank of those entitled to audience (of the Shogun) or is a woman, a separate compartment is to be fitted up in the boat for their accommodation.

(Ditto)

When the place of banishment ordered is Hachijo Island or Mikura Island, the prisoners may be sent to Miyake Island and handed over to the keeper there, who is to forward them to the other two islands as soon as the wind is favourable.

(Ditto)

PUNISHMENT OF BLIND PERSONS.

(Ordinary) Blind persons who commit offences punishable with banishment or deportation, etc., may be put in charge of their relatives and forbidden to wander beyond the limits of the village to which they belong. (1743)

Punishment of *satō* (i.e. blind persons of the higher social grade, professionals, etc.).

The *soroku* (i.e. the president of the *satō*) shall be informed of the degree of guilt incurred by a *satō* and shall be directed to deal with the offender in accordance with the rules of the order.

(Customary)

THE SUBJECTS OF THE NON-HUMANS.

When such commit offences, the Eta chief, Danzayemon,

is to be required to be present, and the offender handed over to the Chief of the non-humans (*Hinin-gashira*).^{*} (Customary)

Subjects of the non-humans of distant provinces. . (1732)

Such (committing offences within the government territory) are to be handed over to Danzayemon, with orders to send them back to their distant province (whether that from which they came or to some other was a matter of indifference to the authorities, so long as they were sent to another "non-human" settlement).[†]

NON-HUMANS LIABLE TO PUNISHMENT BY THE GOVERNMENT AUTHORITIES.

Such are to be handed over to Danzayemon with orders to inflict the punishment (of death) on them. (Customary)

But when the non-humans of distant provinces are handed over at Yedo to Danzayemon to be by him sent to their original place he is at the same time to instruct the Eta[‡] chief of that place to inflict the punishment.

Several articles of the above governmental Edict were commanded in the fifth month of the year 1740 through Matsudaira Sakon no Shōgen. Those issued previously, and the formerly established customary articles and other precedents were, after being discussed, referred from time to time for decision (to the Shōgun) and are hereby decided.

May 1st. 1742.

Makino Etchiu no Kami	} Ecclesiastical Magistrates.
Ooka Echizen no Kami	
Ishikawa Tosa no Kami	} City Magistrates.
Shima Nagato no Kami	

* Who, at Yedo, was always an Asayemon, as the Chief of the Eta was always, hereditarily, a Danzayemon.

† By distant provinces is generally meant all the provinces outside of the Eight East-of-the-Barrier provinces.

‡ The Eta occupations were mostly connected with the skins of dead animals, tanning leather, furriers etc. The *hinin* were simply beggars, without any occupation.

Mizuno Tsushima no Kami	}	Exchequer Magistrates.
Kinoshita Iga no Kami		
Kamiya Shima no Kami		

The foregoing having been duly reported (to the Shōgun), it is hereby decreed. It is not to be allowed to be seen by any one except the Magistrates.

May, 1742.

Matsudaira Sakon no Shōgen.

The several provisions of the foregoing Edict were promulgated in the fifth month of the fifth year of Gem-bun (May 1742) through Matsudaira Sakon no Shōgen. Those embodying former customs and previous decisions have, with others, been considered and discussed in Council; and one by one submitted for final approval; and the Edict is hereby again decreed.

2nd year Kwan-sei, 3rd month, 27th day.

(10th May, 1790.)

Matsudaira Ukionosuke	}	Ecclesiastical Magistrates.
Makino Bizen no Kami		
Hatsukano Kawachi no Kami	}	City Magistrates.
Ikeda Chikugo no Kami		
Negishi Hizen no Kami	}	Exchequer Magistrates.
Magaribuchi Kai no Kami		

The foregoing having been duly submitted for approval is hereby enacted.

It is not to be allowed to be seen by any except the officials concerned.

(May 1790.)

Matsudaira Etchu no Kami.

NOTE ON TORTURE.

(SECTION 83).

Under the criminal procedure of the Tokugawa tribunals the only valid proof of guilt was the accused's own confession, taken down in writing and formally sealed by him. Not till that was done could sentence of punishment be passed. When brow-beating and intimidation failed to obtain this indisputable proof of guilt, torture was the only resource; and it was much more extensively practised in the later than in the earlier half of the Yedo Shōgunate.

Ordinarily, the four degrees or stages of torture were:—

1. Scourging,
2. "Hugging the Stone,"
3. "The Lobster,"
4. Suspension.

TOKUGAWA LAWS. The Edict in 100 Sections



Torture—(1st Stage)—Scourging

SCOURGING.

The accused was securely bound with a hempen cord more than $\frac{1}{2}$ inch in thickness, 4 fathoms long, each end of which was securely held by underlings of the prison whilst two warders belaboured, alternately, the shoulders, back and buttocks, with a scourge, made of split bamboos (*madake*) swathed with tightly twisted hemp cord, 1 inch in thickness and 2 feet long, the handle being covered with soft leather.

In the application of torture no distinctions of rank were observed; a *samurai* was treated the same as a commoner. The handcuffs were removed and his upper clothing stripped off; then the fore-arms were twisted behind his back and gradually pulled up to the shoulders and securely fastened, each loose end of the rope being tightly pulled by the prison underlings, so that the culprit could not move, in spite of the excruciating pain produced by the mode of binding.

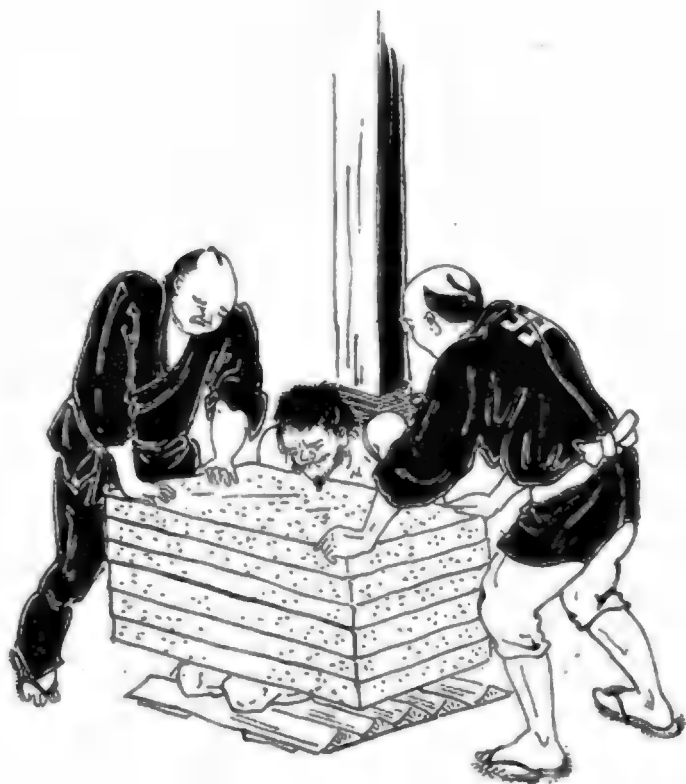
Next the prison warders laid on their scourges with all their might on the accused's shoulders, etc., standing one on each side and relieving each other by turns, till the skin and flesh were torn and the blood flowed. Then the underlings sprinkled fine sand upon the wounds to stop the blood and the flogging was continued.

In intervals of the flogging questions were put to the accused, until about one hundred and fifty or one hundred and sixty blows had been given, when the process was terminated even if no confession had been extorted.

As a general rule those who, whilst being bound uttered cries or otherwise gave vent to their feelings of pain, when it came to the laying on of the scourges, made confession of guilt. Those, however, who silently endured the pain of being bound and sturdily made a show of unconcern even when their flesh was being torn under the scourging, were a hardy few. Occasionally some of these latter would exhibit, says a native commentator, funny peculiarities of disposition as, for instance, repeating the *Daimoku* (i.e. the characteristic invocation of the Nichiren sect, *Nam myo ho-ren ge kyo*) or the *Namu Amida Butsu*, and when even in extreme cases, they would recite the whole of the *Fudo Kyo* or the *Kwannon Kyo*. These latter had already made up their minds to confess.

The scourging of torture and the bastinado or flagellation of punishment were administered in the same way, with this difference, that in the former there was no fixed limit for the number of strokes that could be administered, whilst in the latter the two grades of severity were limited to 50 and 100 blows respectively, the aggravation of the punishment consisting in the open and public manner in which it was inflicted.

TOKUGAWA LAWS. The Edict in 100 Sections



Torture—(2nd Stage)—“Hugging the Stone”

HUGGING THE STONE.

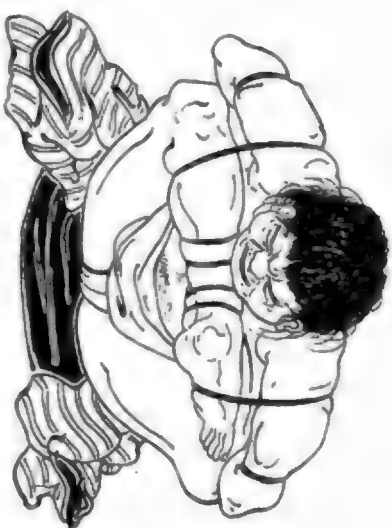
When scourging failed to induce confession, the next stage consisted in tying the accused's arms, as before, behind his back close up to the shoulders, making him kneel on a platform of three-cornered batons in front of a pillar to which he was securely tied, and then piling heavy stone slabs on his lap. Each slab, of Izu granite, was 3 feet long by 1 foot broad and 3 inches thick, and weighed 13 *kwan* (107 lbs. *avoir-du-pois*). Five of these slabs filled up the space from the lap to the chin. As slab after slab was gradually laid on, secretions from the nose and mouth became more copious, and straw was spread under the chin and the slabs were fastened to the pillar at the back to prevent their slipping off.

The edges of the five triangular batons forming the platform were slightly blunted, so as not to cut the skin and thus be all the more painful to the shins.

As a rule after the fifth slab had been laid on the victim fainted, when the infliction was stopped, and if, after a few days' interval, confession was still withheld, the process was gone through again and more slabs steadily piled up to, in rare cases, as many as ten. During this ordeal the bodily colour changed to red, foam issued from the mouth and nose, and blood was vomited. When, even under this agony, confession was refused, the attendants on each side pressed with all their might on the stones, asking "how now?" "how now?" whilst the shin-bones were pressed against the platform batons almost to the breaking point.

This stone-hugging torture was kept up for three or four hours at a time. After the sixth or seventh slab the victim who persisted in not confessing either fainted or snored loudly; but the infliction was continued up to the point where life was endangered. The symptom of this danger point was the change of colour from red to black, beginning with the feet and spreading upwards to the thighs. When the abdomen began to change from red to white and livid the physician in attendance directed discontinuance.

TOKUGAWA LAWS. The Edict in 100 Sections



Torture—(3rd Stage)—“The Lobster”

THE LOBSTER

This was employed after failure to extort confession by both scourging and crushing the limbs with heavy stone alabs. It was carried out in the (*gemon gura*) torture magazine. An interval of some days after the "stone-bugging" was allowed for rest and for the body to recover tone. The arms were twisted behind the back and tied together and pulled up to the shoulders, then the two legs were tied together in front and pulled up to the chin, and front and back pulled together as tightly as possible with a rope twisted of green hemp, and the victim was left for three or four hours in this position, as shown in the illustration.

Within half an hour from the tying up the whole body became red, and cold perspiration ran out; then within another hour the colour changed to purple, and from that it changed to dark green; and if left alone for a while longer it became wan and pallid. This pallor being the symptom of the approach of death, the rope was then loosened. But very few of the sufferers were able to hold out so long. For the few indomitables who persisted there remained the fourth and final stage.

TOKUGAWA LAWS. The Edict in 100 Sections



Torture—(4th Stage)—Sus pension

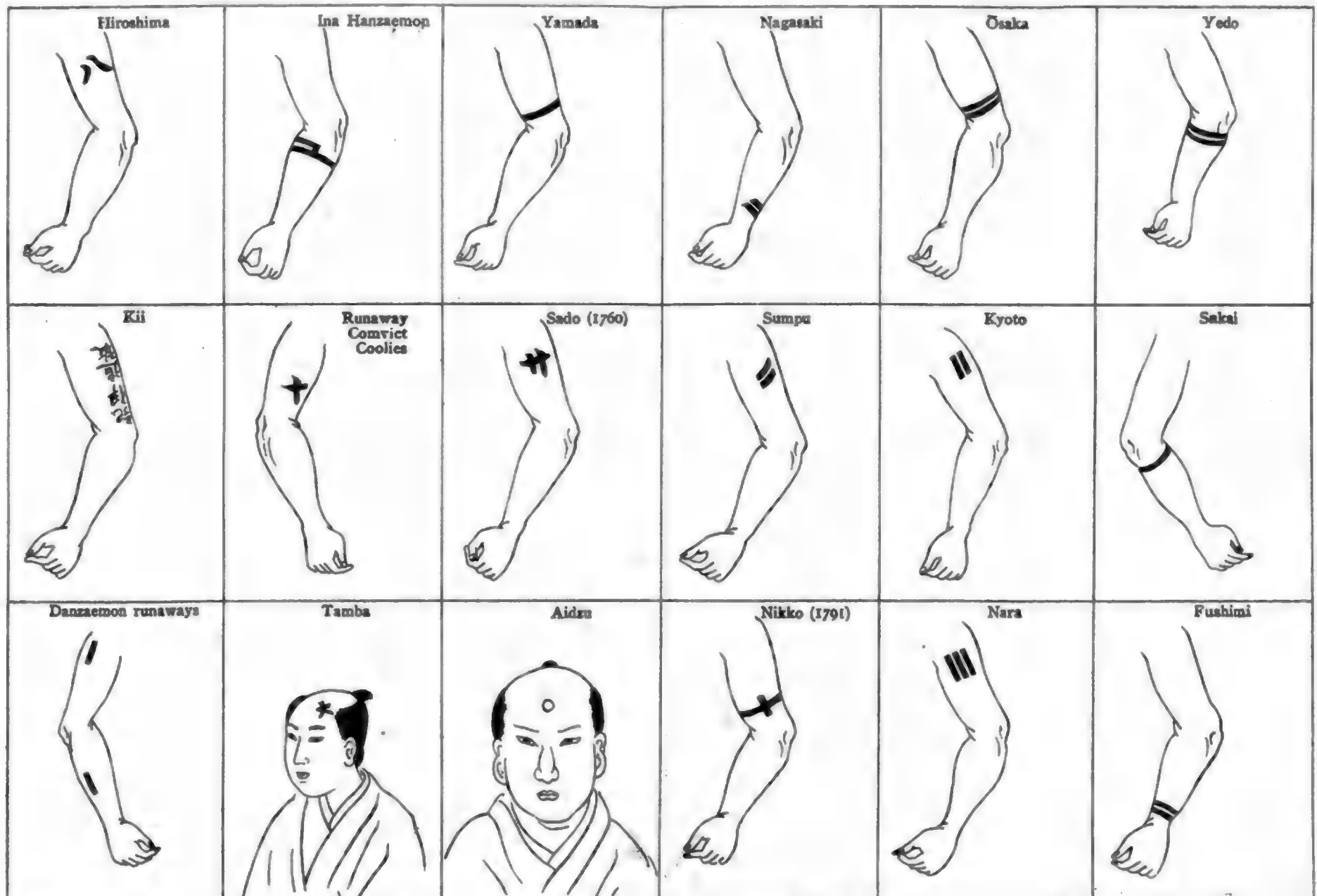
SUSPENSION.

In this the arms were pinioned and the hands tied behind the back; the victim was then hoisted by a rope fastened round the wrists and passing through a pulley fixed to a beam above. The rope by which the arms were pinioned gradually cut into the skin and flesh, causing excruciating pain. After two or three hours of this suspension blood oozed from the toes, which were between three and four inches off the ground. The hard rope used for pinioning was made of green hemp.

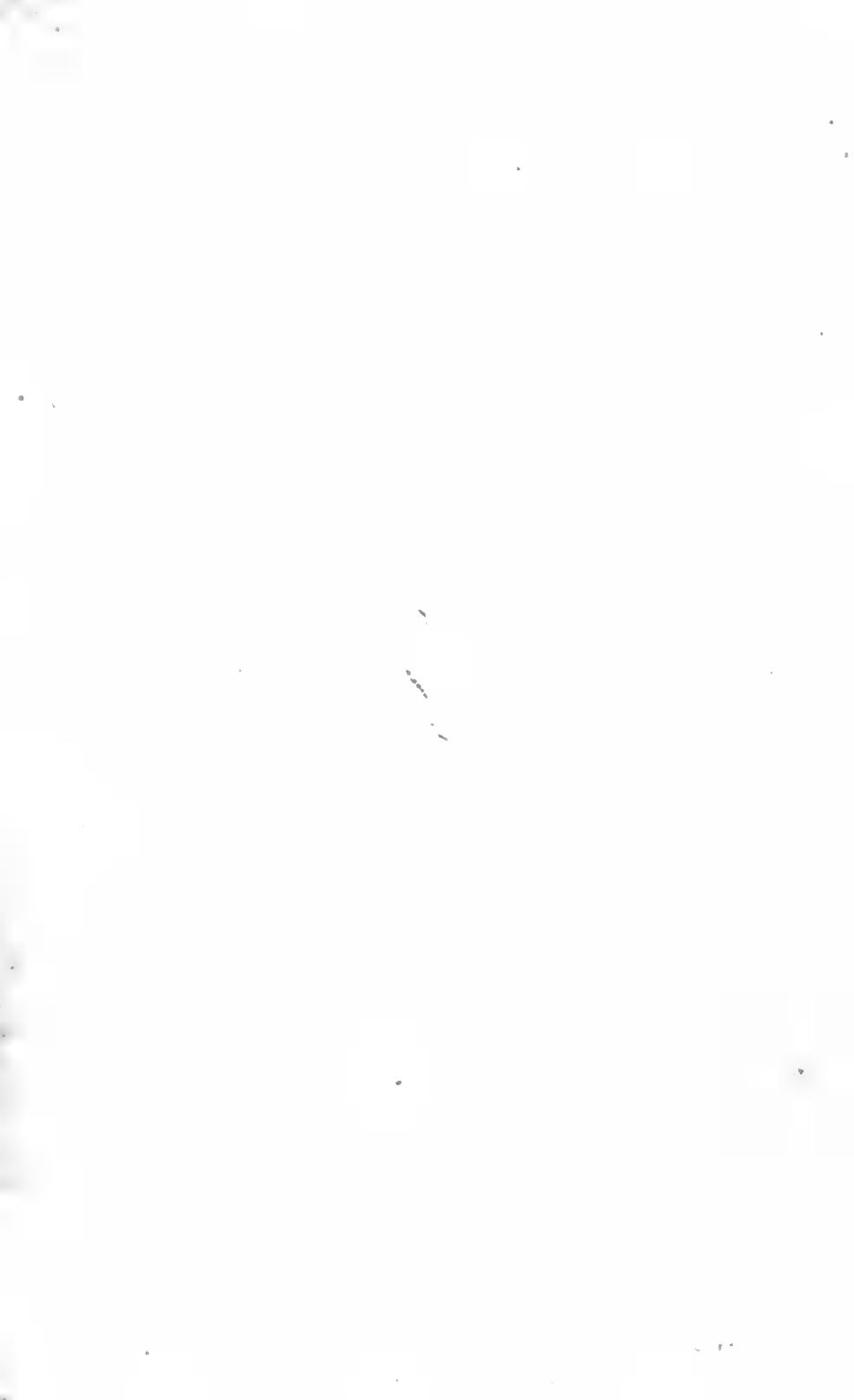
NOTE ON TATTOOING.

This was always performed in the prison, the operator being a "non-human," i.e. an Eta, under the rule of Danzayemon. Generally the black markings were in the form of stripes on the upper arm of from three tenths to five tenths of an inch in breadth, and in length half round the arm. The skin was first punctured with fine needles, about 50 in number, set in a wooden socket; the blood was then wiped off, and the wound was painted with an ordinary ink brush and charcoal ink (Indian ink). The form of the tattooed marks varied considerably according to localities. Sixteen different forms are depicted in one of the manuscript books recording the practice. In the case of culprits who, while in charge of Danzayemon, attempted to escape, the tattooed mark consisted of two longitudinal stripes on the upper and lower arm. In a few extraordinarily bad cases the marks were made not on the arms but on the forehead.

TOKUGAWA LAWS. The Edict in 100 Sections.



Tattooing of Convicts—Some Local varieties



TOKUGAWA LAWS. The Edict in 100 Sections

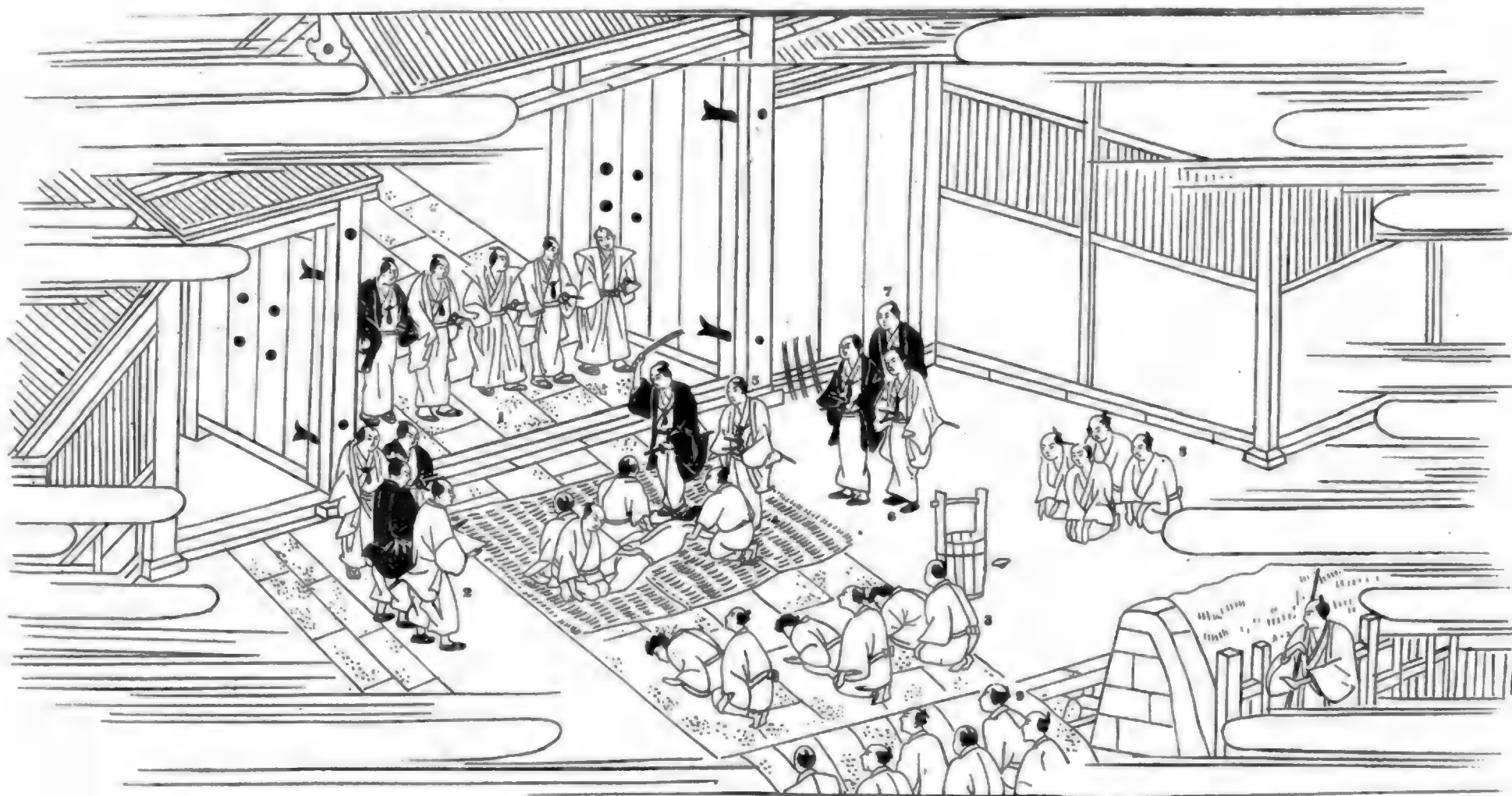


Formalities of Deportation—outside of City Gate

1. The lictors (two *doshin*)
2. Samurai to be deported
3. Commoner
4. Samurai's servant, holding his swords, etc.
5. Three "non-humans," a club-wielder and two others



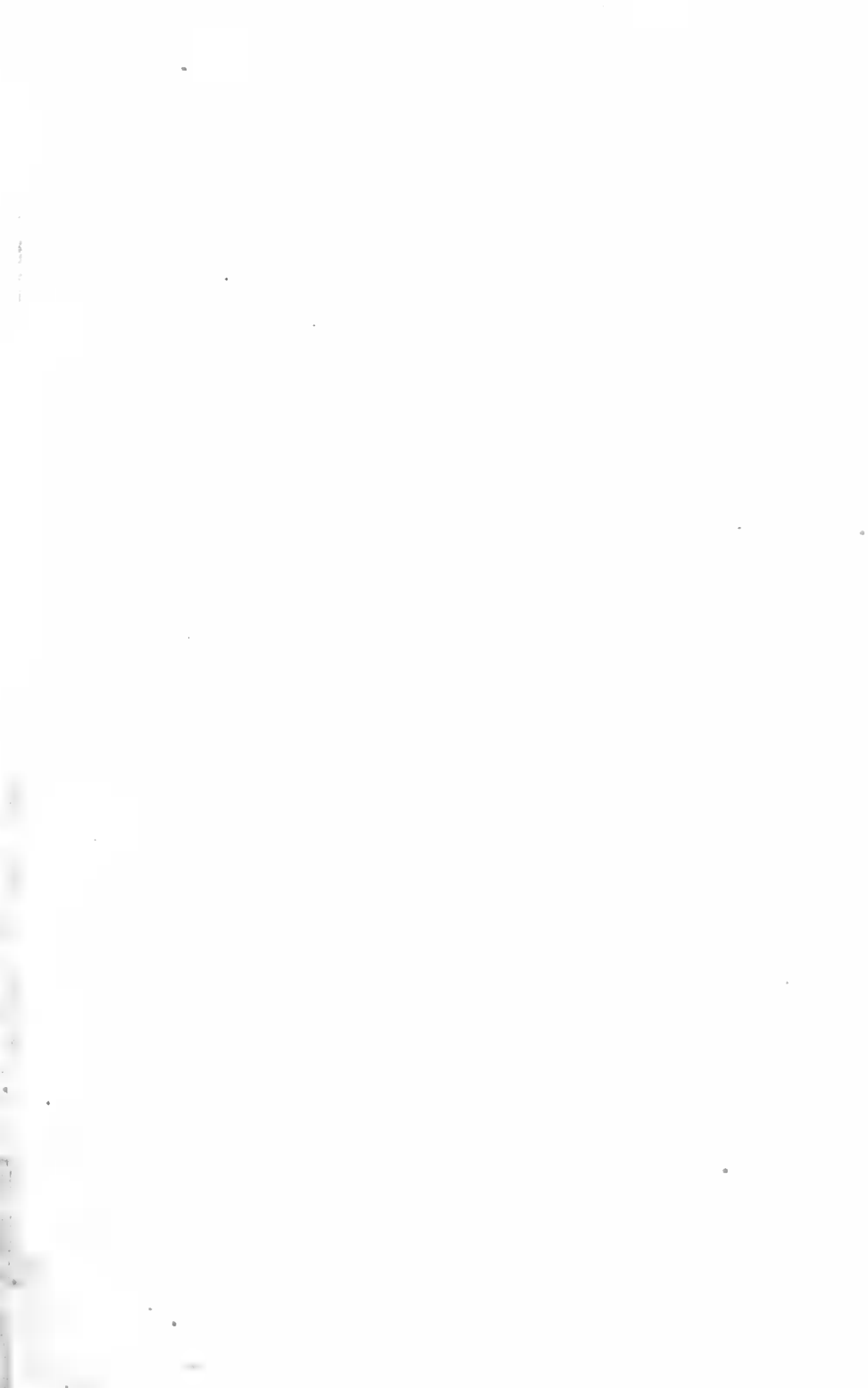
TOKUGAWA LAWS. The Edict in 100 Sections



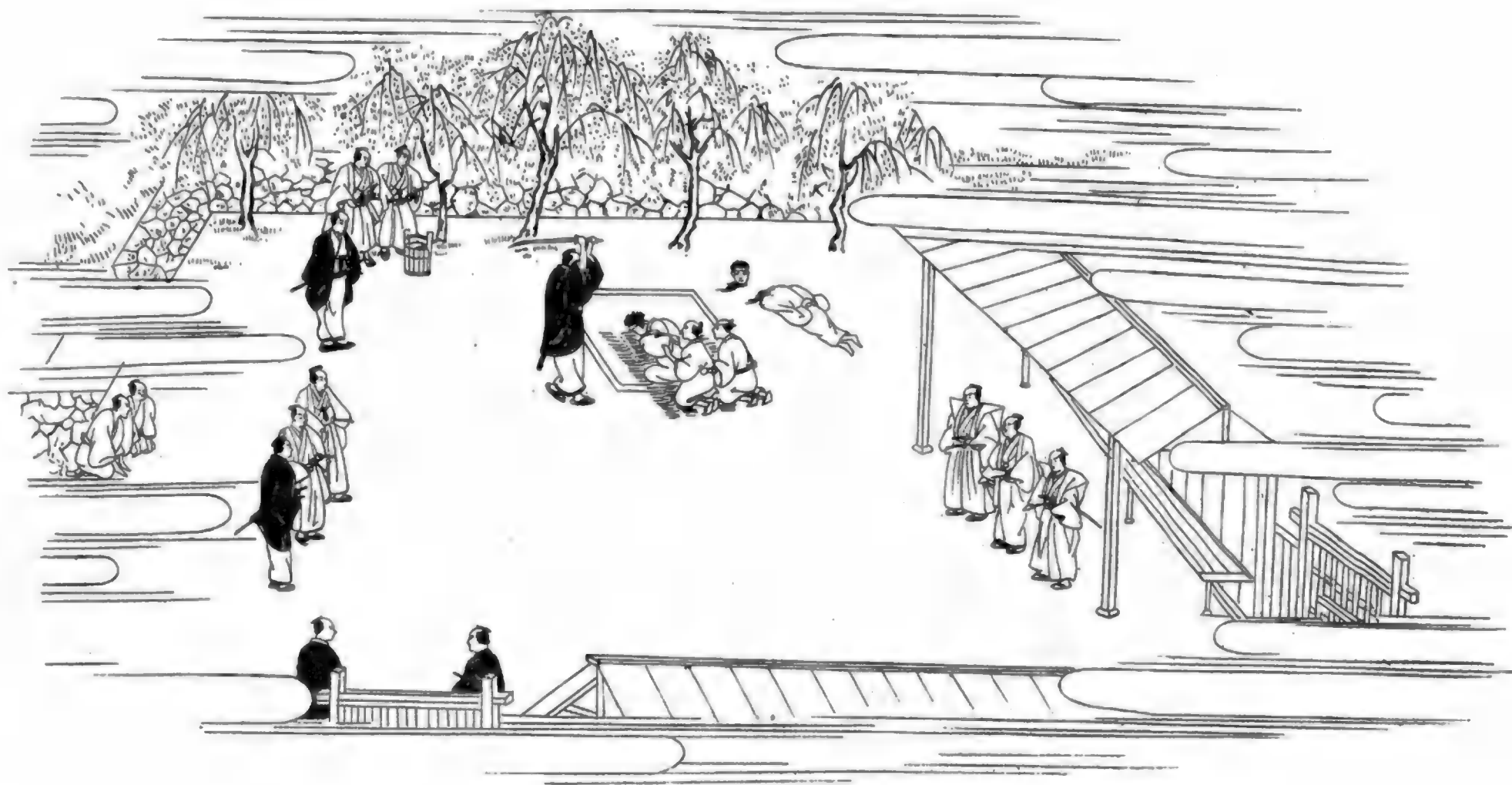
Scene in front of the old Kodemmacho prison—Flogging a criminal in public

- | | | |
|---------------------------------|-----------------------------|---|
| 1. The 5 chief prison officials | 4. The flogging | 7. The doctor |
| 2. The 4 "warders" | 5. The counter of the blows | 8. "Non-human" understrappers |
| 3. Culprits awaiting their turn | 6. Assistant floggers | 9. Friends to take over charge of the culprits afterwards |





TOKUGAWA LAWS. The Edict in 100 Sections



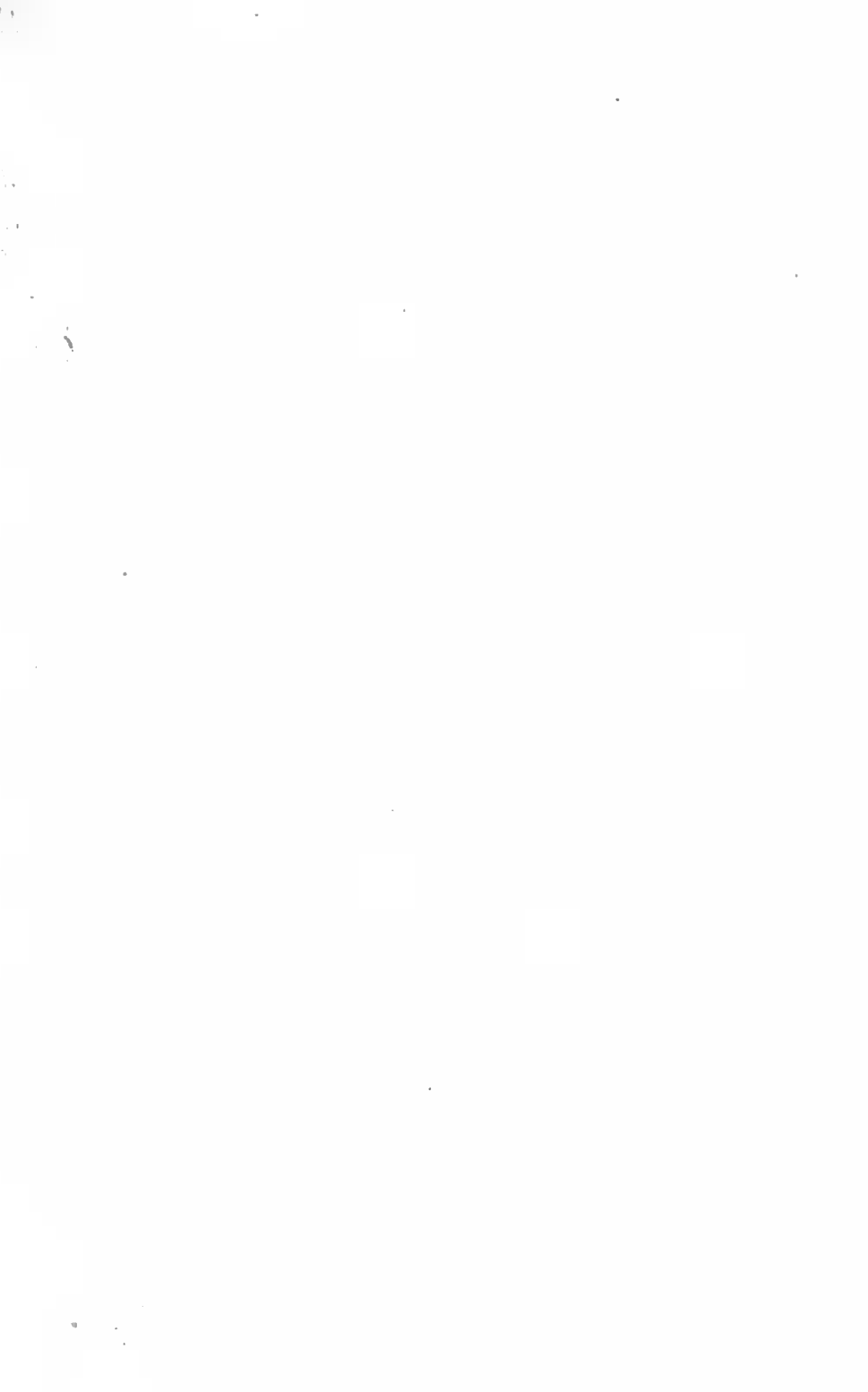
Decapitation Ground at the back of the Prison, Kodemmacho



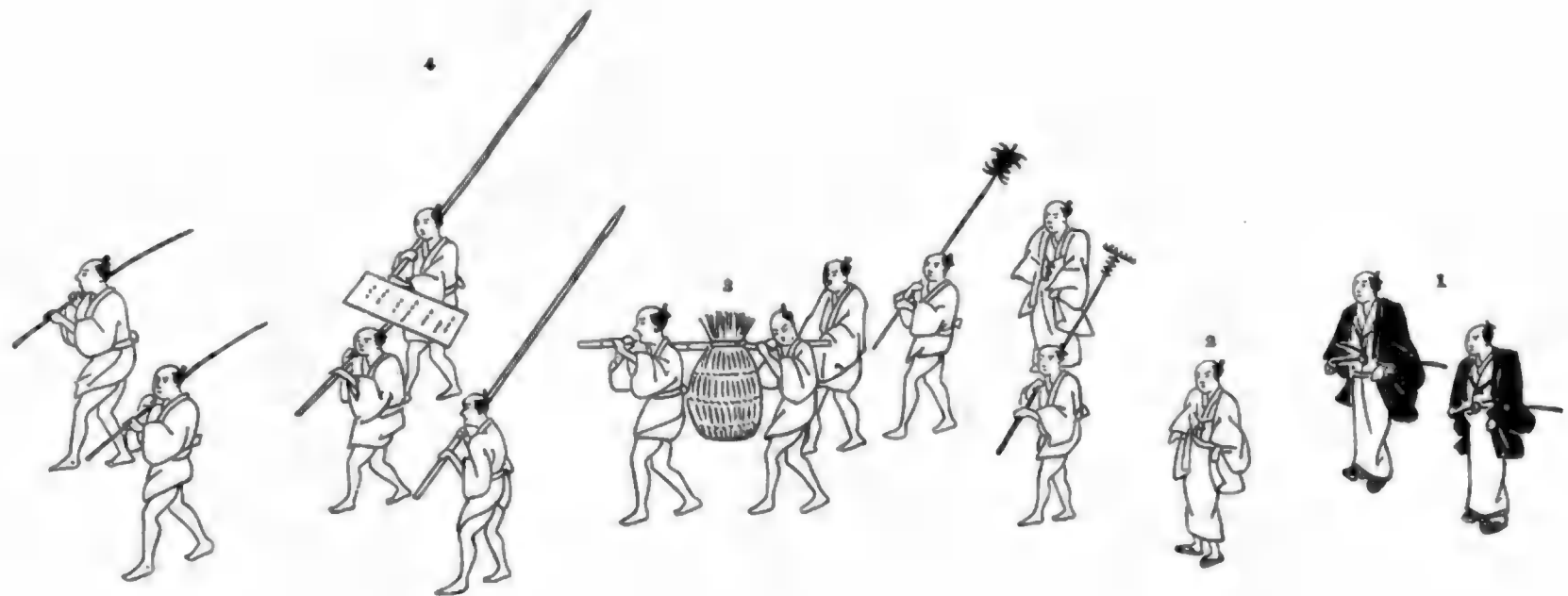
TOKUGAWA LAWS. The Edict in 100 Sections



Capital punishment: Beheading



TOKUGAWA LAWS. The Edict in 100 Sections



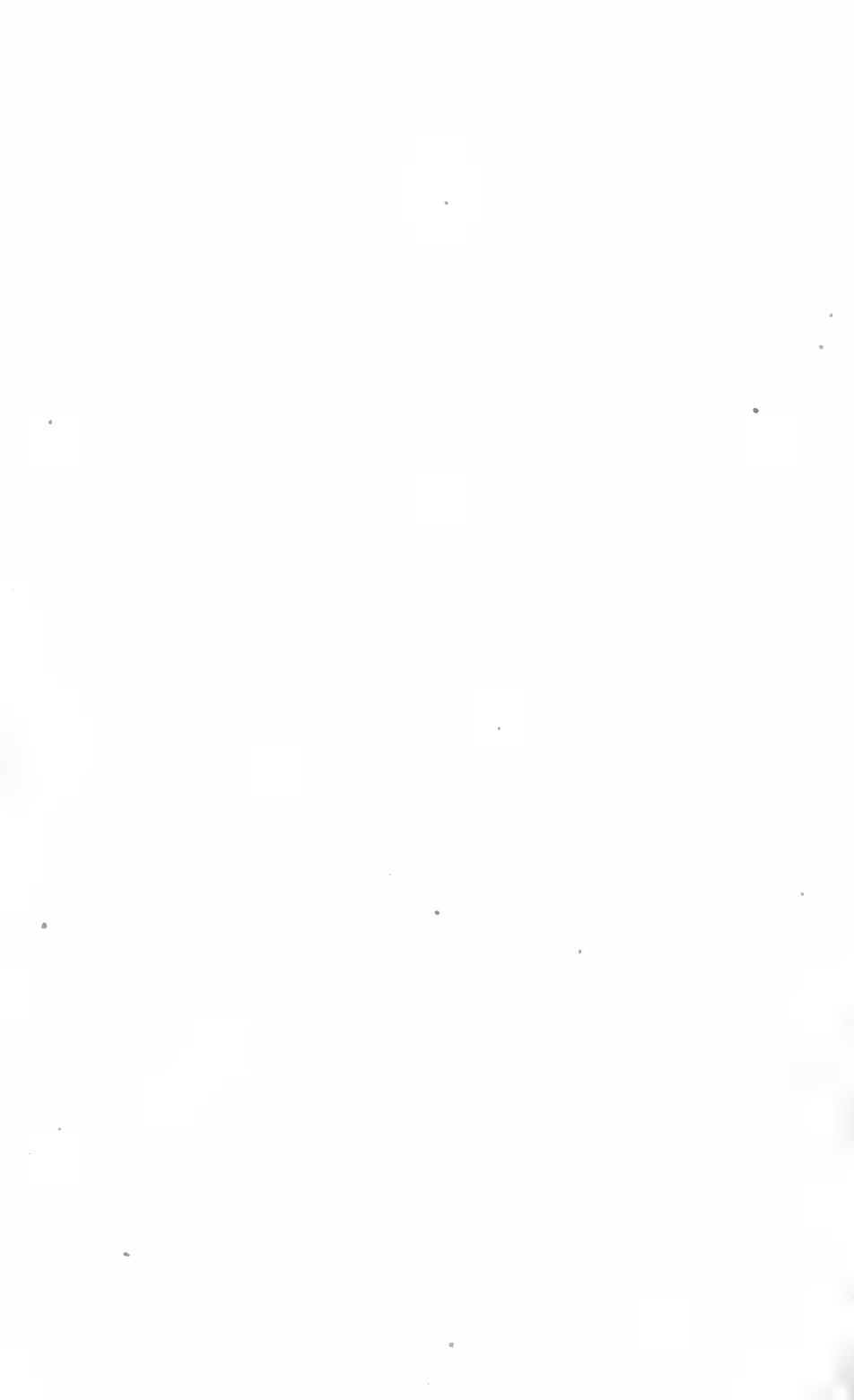
Sending the head to be gibbeted on the Crucifixion Ground

1. The coroners (two *dashin*)
2. The "non-human" attendant spy
3. The criminal's head in straw bag
4. The spear and crime-tablet to be set up near gibbet

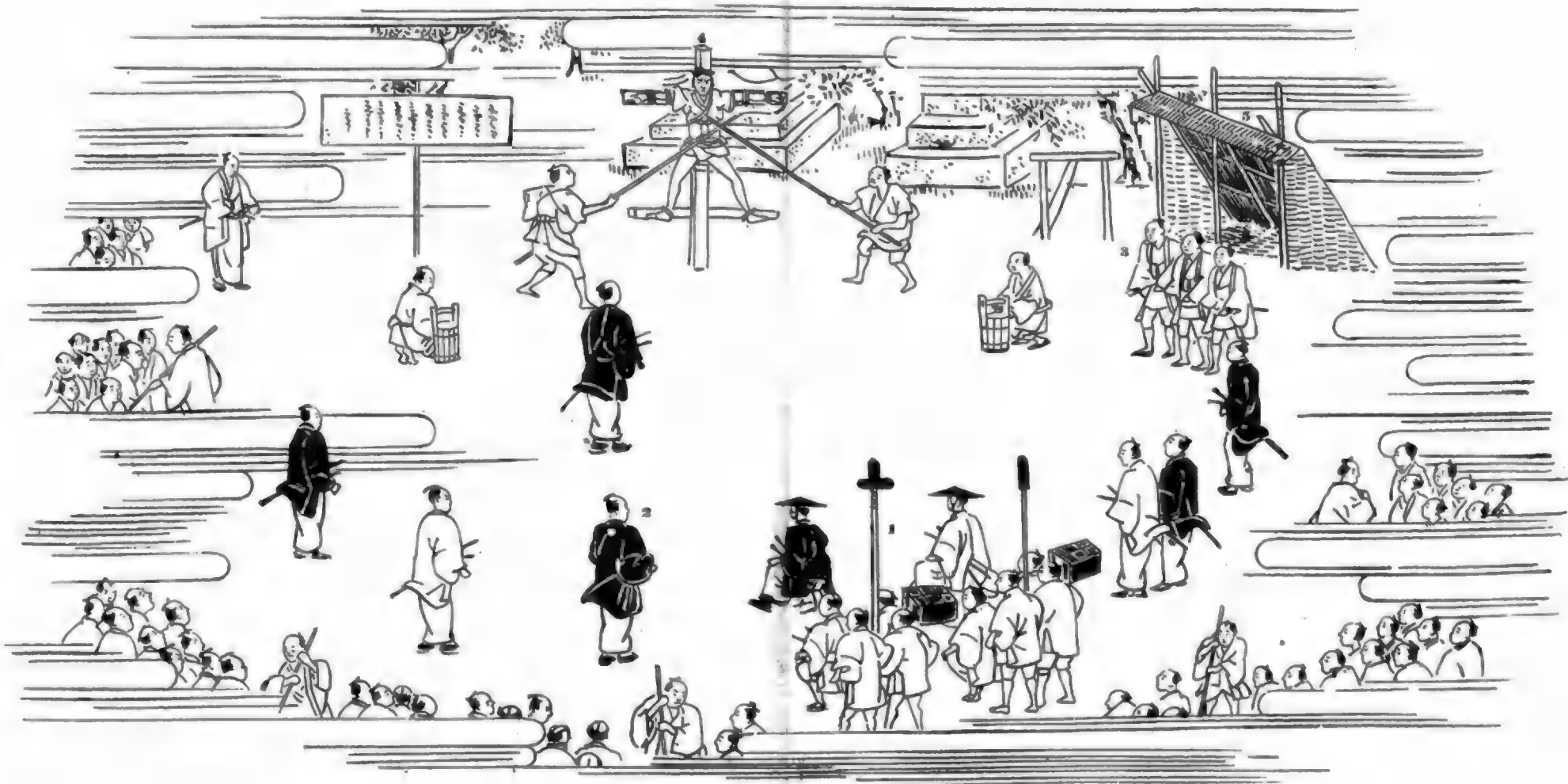
TOKUGAWA LAWS. The Edict in 100 Sections



Gibbetting



TOKUGAWA LAWS. The Edict in 100 Sections



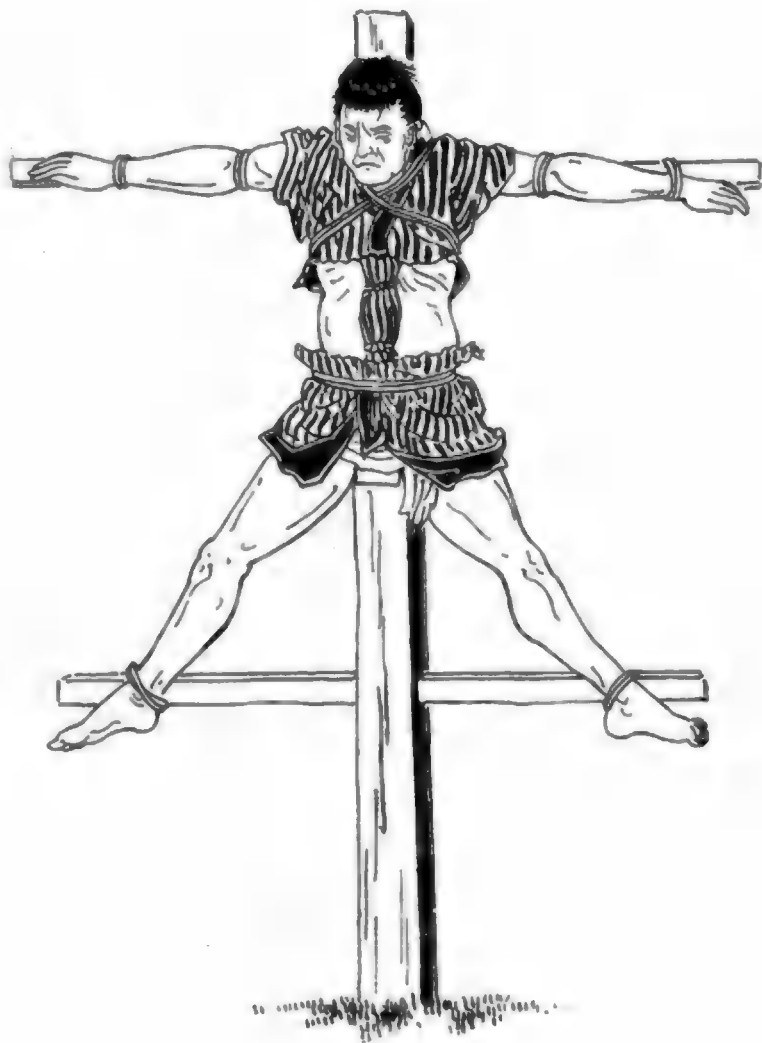
The Crucifixion Ground at Shinagawa

1. The coroner (a *yoriki*)
2. Two *doshin*
3. Danzayemon, the Eta chief and two subordinates

4. The criminal
5. Shed for the watchers of the corpse
6. Rack for the implements etc.

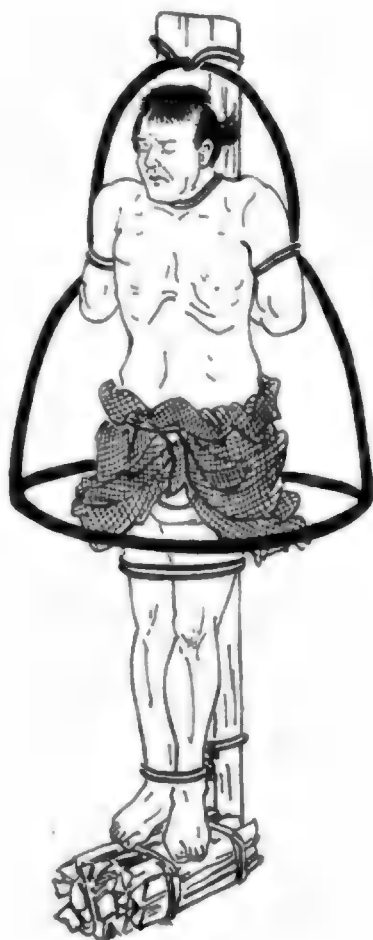


TOKUGAWA LAWS. The Edict in 100 Sections

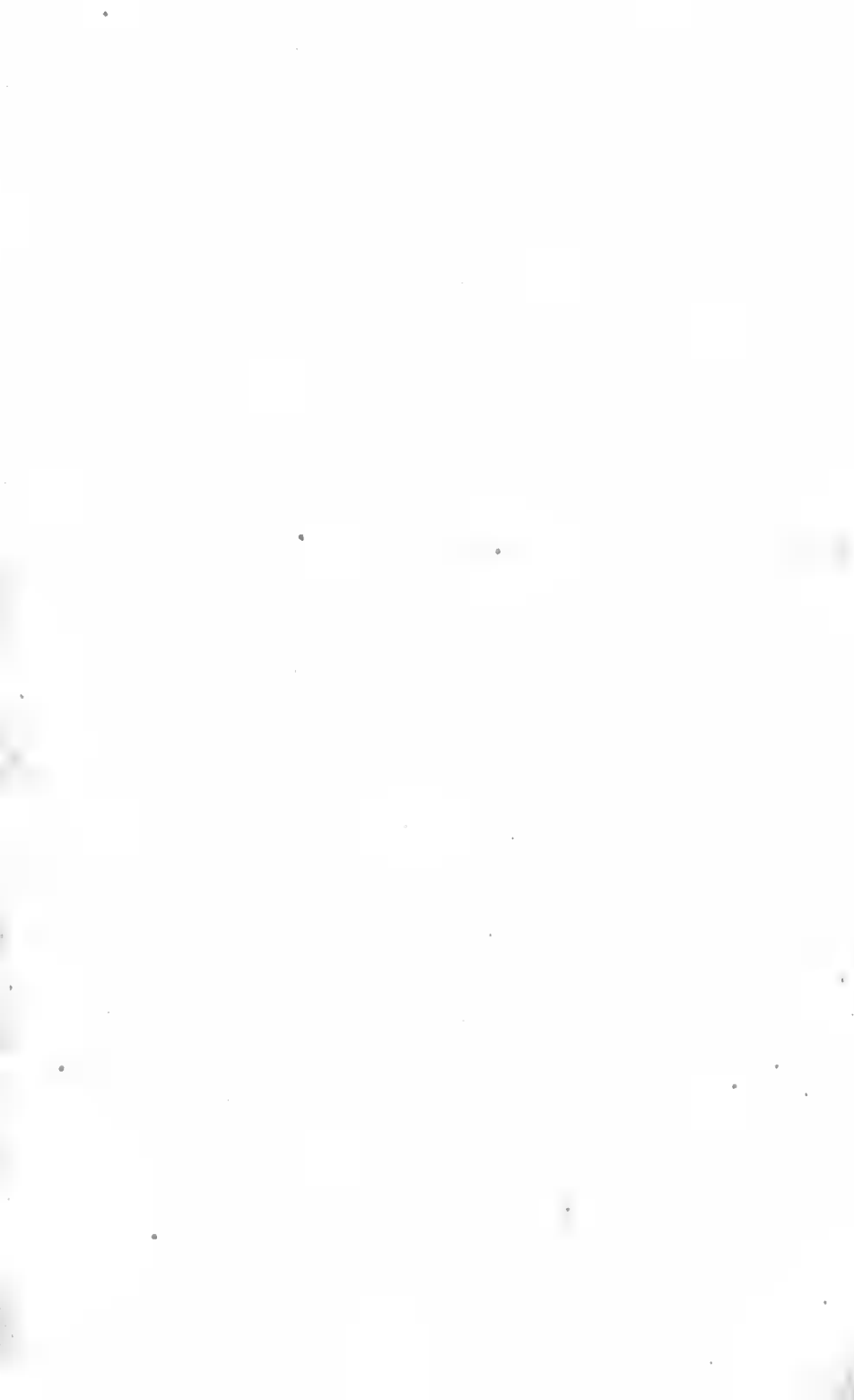


Crucifixion

TOKUGAWA LAWS. The Edict in 100 Sections



Death by burning at the Stake — (1)

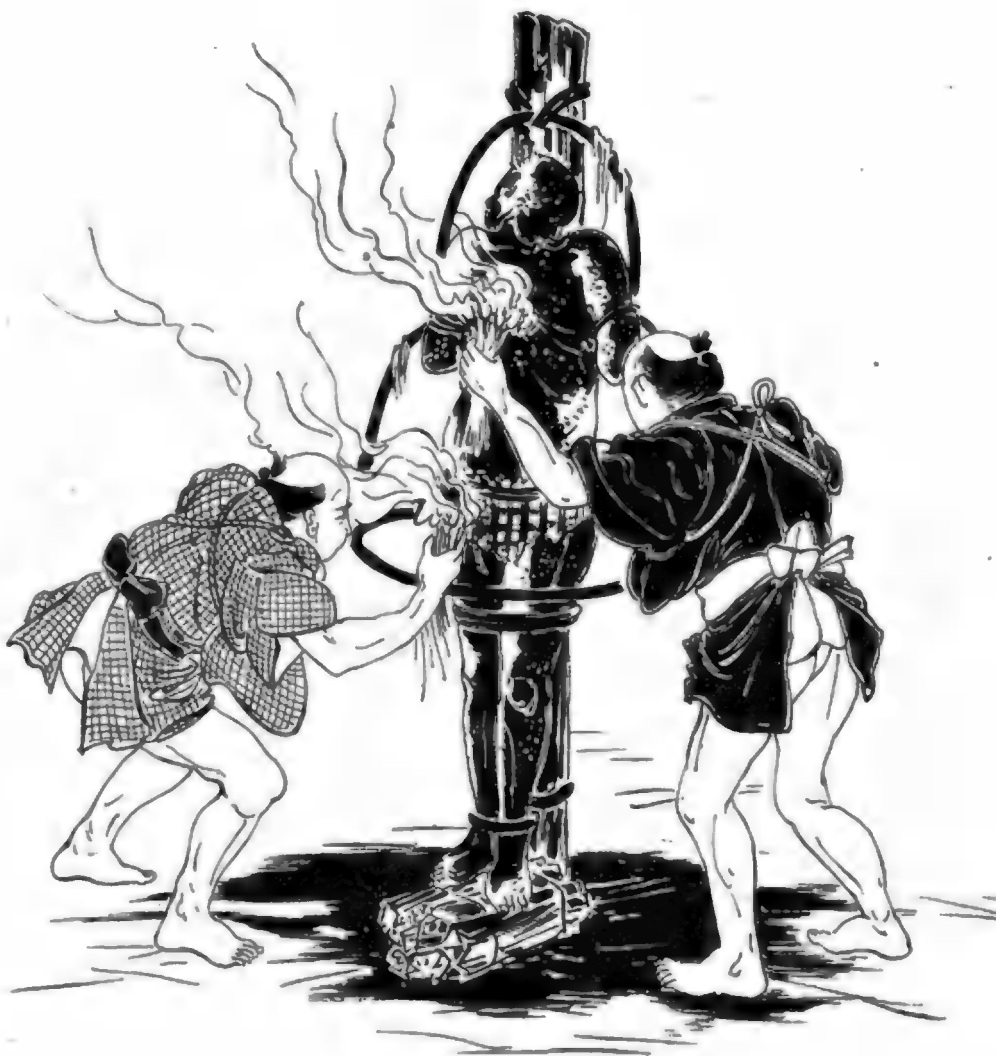


TOKUGAWA LAWS. The Edict in 100 Sections

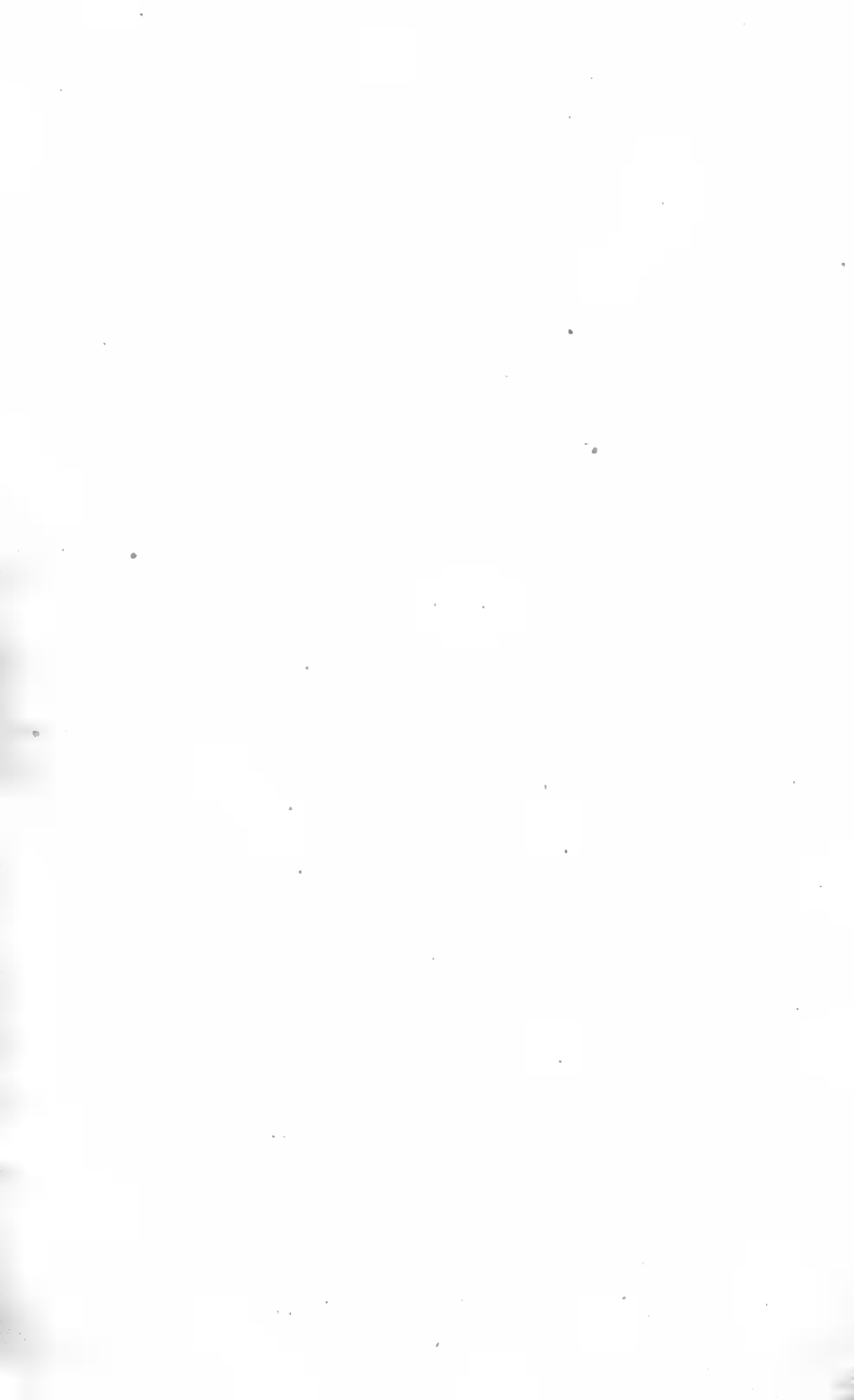


Death by burning at the Stake — (2)

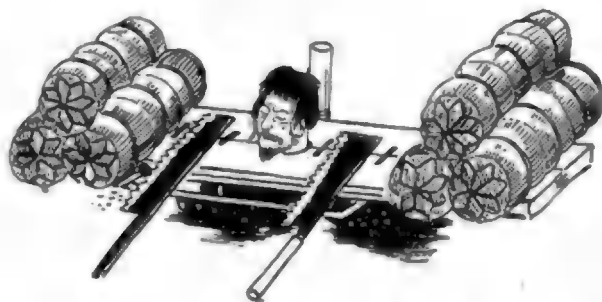




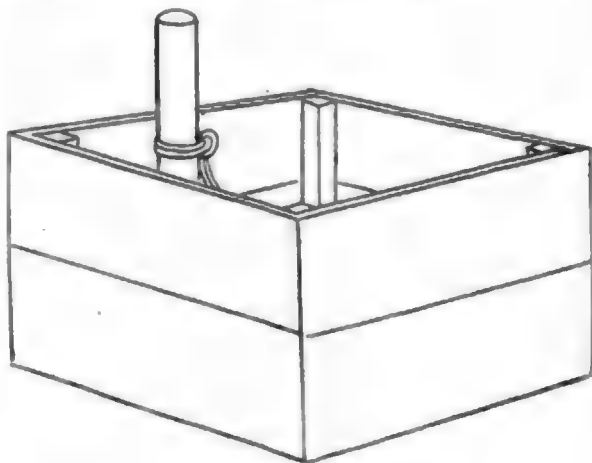
Death by burning at the Stake — (3)



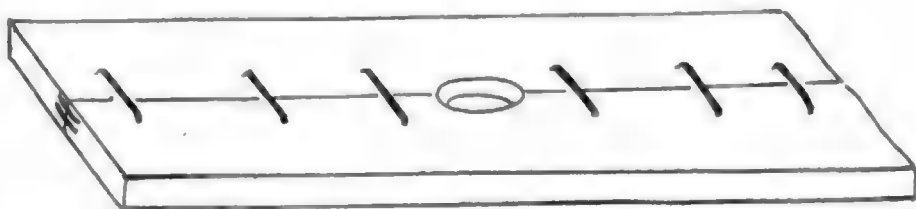
TOKUGAWA LAWS. The Edict in 100 Sections



(Formalities of) death by "pulling of the Saw"—Public exposure for two days prior to crucifixion



Pillory box for exposure of the criminal

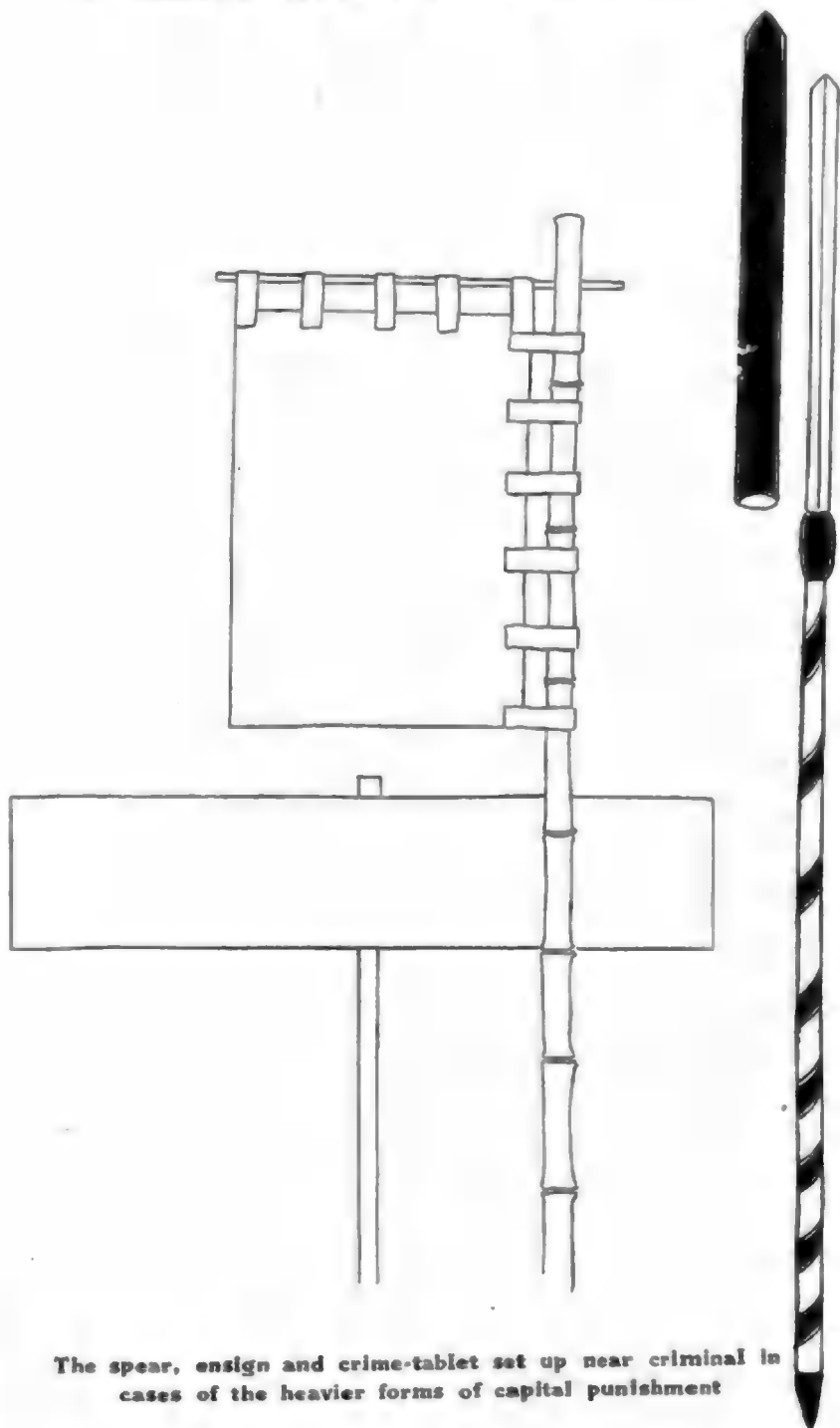


Cangue and ceremonial bamboo saw laid beside the criminal

NOTE ON NOKOGIRI-BIKI.

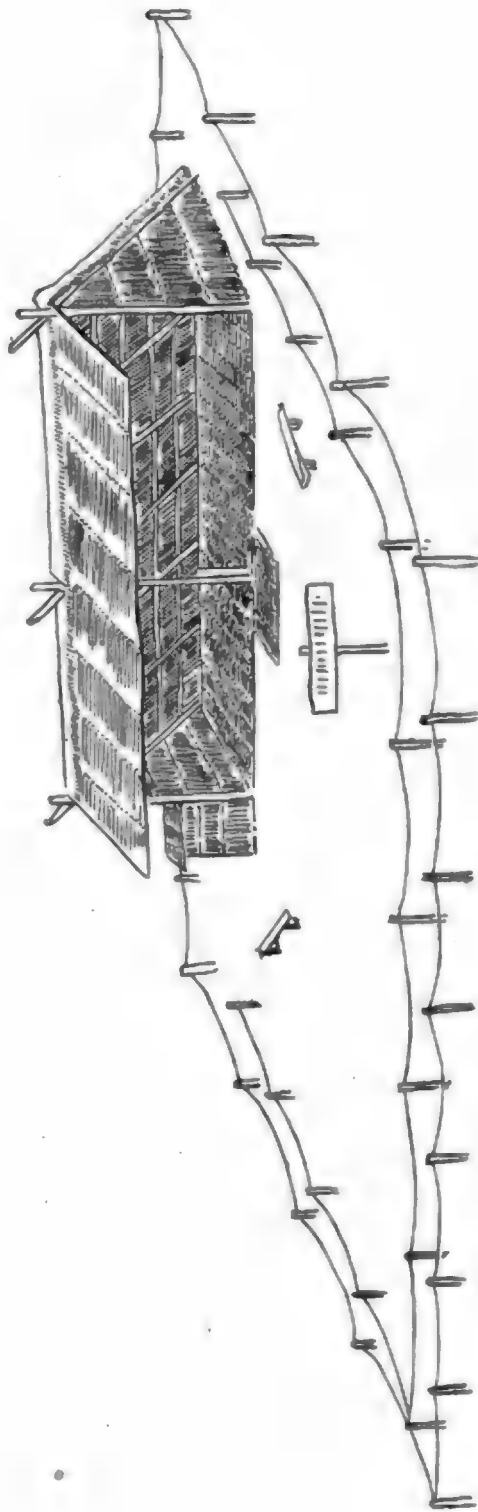
The most severe degree of capital punishment was *nokogiri-biki*, or death by "the pulling of the saw," decreed in 1721. The criminal was led around through the streets for a whole day; then a sword-cut was made on each of his shoulders; the blood therefrom was smeared on two bamboo saws, which were placed on either side of him on the pillory. In this plight the criminal was exposed in the pillory (*sarashi*) for two days, and any one of the people was at liberty to insert a saw in the wound and saw as much as he liked. In the times antecedent to the Tokugawa regime this terrible form of punishment was actually carried out. But by the time of the third Shōgun (Iyemitsu), it was found impossible to carry out the death penalty in this way, since no person was willing to "pull the saw." Thereafter, although, criminals were sentenced to be sawn to death, and were actually exposed in a pillory with the saws on either side, as shown in the illustration, yet the death sentence was always subsequently carried out by crucifixion on the execution-ground.

TOKUGAWA LAWS. The Edict in 100 Sections



The spear, ensign and crime-tablet set up near criminal in cases of the heavier forms of capital punishment

TOKUGAWA LAWS. The Edict in 100 Sections



The pound at Nihon Bashi for public exposure of criminals



NOTICES OF BOOKS.

THE PLAYS OF OLD JAPAN: THE NŌ.

By Marie C. Stopes, D. Sc., Ph. D., F. L. S., together with translations of the dramas by M. C. Stopes and Professor Jōji Sakurai, D. Sc., LL.D. London, Heinemann, 1913.

Dr. Stopes read a paper on this subject before the Royal Society of Literature, which appeared in their Transactions for 1909. The present book is an amplification of her theme, with additional translations, and some half dozen well-chosen illustrations.

The introductory matter, where it bears on questions of fact, is admirably lucid and accurate; but Dr. Stopes will find few, if any, authoritative opinions in agreement with her general estimate of the literary, musical, and dramatic value of the Nō. Not only does she affirm that the Japanese rank their lyric dramas "among the greatest and most characteristic treasures of the native literature," but she goes further, and admitting that the details of their literary style and composition are beyond reach of her judgment, she says "as the Japanese for so long "have been consistent in their admiration of the literary value "of the Nō, I am content in that matter to accept their verdict. "But of the atmosphere and general effect of the plays I can "judge for myself, and I find them among the supremely great "things in world-literature."

These are high claims to make, and it is very doubtful whether they will bear examination. It would of course be idle and stupid to deny all beauty and charm to a body of

literature and a dramatic form which have survived through six centuries ; but when their place in world-literature, their absolute value, is at issue, one may be permitted to invoke other than native opinion, and to judge by other than native standards. It is hard to say to what extent our judgment of a foreign dramatic literature is valid. Anyhow, paradoxical as it may seem, it is probably more trustworthy on points of style and construction than in the matter of atmosphere and effect. When Dr. Stopes witnessed a Nō performance she brought to it an alien mind, an unaccustomed eye and ear, responsive, even perhaps predisposed, to impressions. It would be difficult to settle how much of the sum total of those impressions was due to intrinsic merits of the Nō as a deliberate, purposed creation of atmosphere, and how much to exotic characters which are purely adventitious.

In a chapter of the Introduction quaintly entitled "Concerning the Effect of the Nō on the Audience and me," the writer enters into details, saying :

"With each recognized reference to some classic poem or story, the richer does the suggestion of the whole become, for a word or a phrase which has but little meaning in itself becomes fragrant and beautiful when it carries with it the perfume of a thousand lovely and suggestive memories. Also working upon the sensitive audience all the time, there is the psychic effect of the beautiful and harmonious colouring and the potent music.....The music of the Nō, founded on a different scale from our own, has a very peculiar effect, yet one in complete harmony with the mental conception of the plays.

"And to this effect the audience of the Nō is preeminently exposed, for all the surrounding conditions are calculated to enhance and aid it : the magnetic effect of the quiet intellectual audience on itself ; the beautiful simplicity and harmony of the colour scheme within the theatre ; the dignity and im-

“personalness” of the actors fulfilling their anciently prescribed actions ; the allusions and suggestions of the poems, the descriptions of natural beauties, and the frequent references to religious and philosophical ideas ; when combined with the strange and solemn music create together within the heart of the observer “a something which is wellnigh sublime.”

This of course represents a perfectly legitimate view ; but one feels it to be a little exaggerated as to detail and a little idealized as a complete conception. It would be easy to object, for instance that the nature of the audience and the theatre has nothing to do with the value of the play ; that a dignified acting convention does not imply drama worthy of it ; that allusion and suggestion easily become mechanical ; that descriptions of natural beauties are often spiritless and artificial ; and that frequent references to religious and philosophical ideas may be tiresome and pedantic. Perhaps a fairer mode of criticism would be to state plainly a considered opinion which disagrees in most points with that of Dr. Stopes, and leave the reader to judge between the two.

One has to be careful to distinguish the medium from the content. As a lyro-dramatic medium the Nō has many engaging qualities. Historically the stage convention of the Nō is a phase in the evolution of the drama from sacred dancing and music ; it is a stage of arrested development, a form where lyric and narrative have been, so to speak, crystallized in the process of differentiation. Aesthetically it has, for all its crudities, a certain effectiveness and dignity, due partly to its simple restraint, and partly to that surety and grace of touch, apparently effortless but in reality intensely disciplined, which gives to other forms of Japanese art their peculiar distinction. Like them, though it may be lacking in scope and power, it is saved by its very limitations from the grossness and falsity of a bungling realism. It has, if one may say so, the qualities of its defects.

But, having admitted the beauties of presentation, one is faced with the question of the value of the plays as dramatic

literature. It is here that one has to part company decidedly with Dr. Stopes. Before dealing with this point, it should be pointed out that she is guilty of serious over-statement when she gives her readers to understand that native opinion is unanimous in praise of the Nō as literature. Indeed, one might even declare, in view of the general level of attainment in Japanese literature,—though it would be dangerous doctrine,—that even universal appreciation by native critics would not of itself entitle the Nō to rank among “the supremely great things in world-literature.” However, it is not necessary to go so far. It is true that there is a large body of favourable opinion; but it is easy to find, in treatises on Japanese literature, such views as those of Mr. Suzuki, who says that “this patchwork of old poems and old prose.....must be regarded as a stagnation of “literary taste,” or of Mr. Ōmachi, who says, “As literary “compositions I do not consider them to have much value.”

The text of the Nō plays, as has been frequently pointed out, is composed almost entirely of extracts from previous literature, linked together by puns, pivots, and suchlike ornamental devices. To anyone who likes that sort of thing, apart from its technical interest, there is nothing more to be said. Most of us demand more than this, for, though all good literature is in a sense derivative, we ask of our poets some freshness of thought or treatment, something that expresses a personality or a period; and if they cannot invest their work with individual beauty we return to the study of their more vital originals. It has been objected to this statement that originality is not important, and that it is sufficient if a general effect of beauty is strengthened by allusion and quotation. This is true enough; and if these plays had a nucleus of original beauty, it might be conceded that they made a legitimate use of overlaid matter to increase their charm; but this cannot in fairness be alleged, for their effect is not strengthened, but produced almost entirely by these means. They make no pretence at dramatic treatment, their outlines shew a family likeness which alone betrays a poverty of invent-

ion, while situations fraught with terror and pity are marred by artifice and pedantry, repugnant to occidental taste, at least, and certainly unworthy of a place in world-literature. As for the claim that classical quotation and allusion have a virtue of suggestiveness, it might be admitted if these methods were used sparingly and with discrimination; but the fact is, they are so abused that they often end by defeating their own purpose—if they had a deliberate purpose—and become mechanical. A mere mechanical stimulus to the imagination evokes only a mechanical response, as anybody will realize who reflects on the debased value of a hackneyed quotation in any language.

Dr. Stopes argues, it is true, that the Nō "must not be too much analysed and enquired into. Their language is simple, almost to baldness in places, but their simple elements create a wonderland of illusion." It is a matter of opinion. There does not seem to be any good reason why a work of art should not be analysed and enquired into; but if a general impression, rather than an analysis, were asked for, most foreign students would say that the plays, while sometimes displaying agreeable qualities of grace and feeling, lack two essential things—inspiration and balance.

Certainly they fail in the appeal of what is direct and primitive, for they are, in reality, immensely sophisticated; naturally so, since they take their root in the complexities of Buddhist myth and dogma, and are hedged in by a rigid poetic convention.

It would not be proper to separate the music and the dancing from the other elements of the Nō, for they are indeed of its very essence; but few will agree with Dr. Stopes' estimate of them. The music speaks a foreign idiom, mostly, to our ears unintelligible and unpleasant. The dancing is intricate and solemn, but in what is, to us, an unrealized dimension. Neither, it would seem, has the appeal of sheer and universal beauty.

With regard to the translations in this volume, there is little to say. Dr. Stopes has had the advantage of the collaboration

of Professor Sakurai, and the level of verbal accuracy is high, though there are occasional lapses. The use of regular verse medium adds to the almost insuperable difficulties of translating from the Nō, and Dr. Stopes has to confess that she occasionally "put in a word or two" to round things off. One is inclined to object that a translator is entitled to disregard accuracy, and to put into his version what does not exist in the original, only when the result is such as will stand on its own merits as verse. This, however, is a matter of opinion, and on the whole Dr. Stopes' translations, though not distinguished, are about as successful as those of her predecessors. They are sympathetic, if they reflect none of that charm and power the laudatory remarks of the introduction would lead a reader to expect. What is a real blemish, one feels, is the use of verse to represent the prose portions of the plays. The translator attempts to defend this, but her arguments are neither accurate nor convincing. It seems almost wanton to take these speeches in mediæval colloquial, which have at times a stately movement, and put them into a tame and jog-trot meter.

G. B. SANSON.

SUPPLEMENT
TO
VOLUME XLI,
CONTAINING THE
CONSTITUTION AND BY-LAWS;
LISTS OF MEMBERS, EXCHANGES AND
THIRTY-YEAR SUBSCRIBERS;
AND
A CATALOGUE OF THE TRANSACTIONS.

PRINTED
AT
THE FUKUIN PRINTING CO., LTD.
YOKOHAMA.

1913.



THE CONSTITUTION OF THE ASIATIC SOCIETY OF JAPAN.

As Revised to December, 1913.

NAME AND OBJECTS.

- ART. I. The Name of the Society shall be THE ASIATIC SOCIETY OF JAPAN.
- ART. II. The object of the Society shall be to collect and publish information on subjects relating to Japan and other Asiatic Countries.
- ART. III. Communications on other subjects may, within the discretion of Council, be received by the Society, but shall not be published among the Papers forming the Transactions.

MEMBERSHIP

- ART. IV. The Society shall consist of Honorary members and members.
- ART. V. Honorary members shall be admitted upon special grounds, to be determined in each case by the Council. They shall not be resident in Japan, and shall not pay an entrance fee or annual subscription.
- ART. VI. Members shall on their election pay an entrance fee of five *yen* and the subscription for the

current year. The annual subscription shall be five *yen*.

Any member elected after September 30th in any year shall not be required to pay the subscription for the year of his election unless he wishes to receive the Transactions for that year.

Members, whether or not resident in Japan, may become Life Members :—

- a. On election, by paying the entrance fee and the sum of sixty *yen* ;
- b. At any time afterwards within a period of 25 years, by paying the sum of sixty *yen*, less *yen* 2.50 for each year of membership, and—
- c. After the expiration of 25 years, on application to the Treasurer without further payment.

Learned Societies, Educational Institutions and Public Libraries may obtain the Transactions of the Society by paying an annual subscription of five *yen*. If they elect to do so, they may compound the annual subscription for a term of thirty years by a single cash payment of sixty *yen*. They may then obtain back numbers at one half the published price.

ART. VII. The Annual Subscription shall be payable in advance, on the 1st of January in each year.

Any member failing to pay his subscription for the current year by the 30th of April shall be reminded of his omission by the Treasurer. If his subscription is two years in arrears, he shall be considered to have resigned his membership.

ART. VIII. Every member shall be entitled to receive the publications of the Society during the period of his membership.

- ART. IX. The Council may appoint members of the Society to act as its Correspondents in various places outside of Tokyo.

OFFICERS

- ART. X. The Officers of the Society shall be:—
A President,
Two Vice-Presidents,
A Corresponding Secretary,
A Recording Secretary,
A Treasurer,
A Librarian, and
An Editor.

COUNCIL

- ART. XI. The affairs of the Society shall be managed by a Council composed of the officers for the current year and ten members.
- ART. XII. General meetings of the Society and meetings of the Council shall be held as the Council shall have appointed and announced.
- ART. XIII. The Annual Meeting of the Society shall be held in January, at which the Council shall present its Annual Report and the Treasurer's Statement of Accounts, duly audited by two members (not Councilors) nominated by the President.
- ART. XIV. Nine members shall form a quorum at any General Meeting, and five members at a Council Meeting. At all meetings of the Society and the Council, in the absence of the President and Vice-Presidents, a Chairman shall be elected by the meeting. The Chairman shall not have a vote unless there is an equality of votes.

ART. XV. Visitors (including representatives of the Press) may be admitted to the General meetings by members of the Society, but shall not be permitted to address the meeting except by invitation of the Chairman.

ART. XVI. All members of the Society shall be elected by the Council. They shall be proposed at one meeting of the Council and balloted for at the next, one black ball in five to exclude; but the Council may, if they deem it advisable, propose and elect a member at one and the same meeting; *provided*, that the name of the candidate has been notified to the members of the Council at least two weeks beforehand. Their election shall be announced at the General Meeting following.

ART. XVII. The Officers and other members of Council shall be elected by ballot at the Annual Meeting, and shall hold office for one year.

ART. XVIII. The Council shall fill all vacancies in its membership which occur between Annual Meetings.

PUBLICATIONS

ART. XIX. The Published Transactions of the Society shall contain:—(1) Such papers and notes read before the Society as the Council shall have selected, and (2) in each annual volume, the Report and Accounts presented to the last Annual Meeting, the Constitution and By-Laws of the Society and a List of Members.

ART. XX. Twenty-five separate copies of each published paper shall be placed at the disposal of the author.

ART. XXI. The Council shall have power to distribute copies of the Transactions at its discretion.

ART. XXII. The Council shall have power to publish, in separate form, papers, documents or books which it considers of sufficient value or importance.

ART. XXIII. Papers accepted by the Council shall become the property of the Society and shall not be published elsewhere without the consent of the Council.

Acceptance of a paper for reading at a General Meeting of the Society does not bind the Society to publish it afterwards; but when the Council has decided not to publish any paper accepted for reading, that paper shall be restored to the author without restriction as to its further use.

MAKING OF BY-LAWS

ART. XXIV. The Council shall have power to make and amend By-Laws for its own and the Society's guidance, provided that these are not inconsistent with the Constitution; and a General Meeting, by a majority vote, may suspend the operation of any By-Law.

AMENDMENTS

ART. XXV. None of the foregoing Articles of the Constitution shall be amended except at a General Meeting by a vote of two-thirds of the members present and only if due notice of the proposed Amendment shall have been given at a previous General Meeting.

BY-LAWS.

GENERAL MEETINGS

- ART. I.** The Session of the Society shall coincide with the Calendar year, the Annual Meeting taking place in January.
- ART. II.** Ordinarily the Session shall consist of nine monthly General Meetings; but it may include a less or greater number when the Council finds reason for such a change.
- ART. III.** The place and time of Meeting shall be fixed by the Council, preference being given, to 4 P.M. on the Third Wednesday of each month. The place of meeting may be in Yokohama when the occasion is favourable.
- ART. IV.** Timely notice of every General Meeting shall be sent by post to members resident in Tokyo and Yokohama.

ORDER OF BUSINESS AT GENERAL MEETINGS

- ART. V.** The Order of Business at General Meetings shall be:—
- (1) Action on Minutes of the last Meeting;
 - (2) Communications from the Council;
 - (3) Miscellaneous Business, and
 - (4) The Reading and Discussion of papers.
- The above order shall be observed except when the Chairman shall rule otherwise.

At Annual Meetings the Order of Business shall include, in addition to the foregoing items :—

(5) The Reading of the Council's Annual Report and of the Treasurer's Accounts, and the submission of these for the action of the Meeting upon them, and

(6) The Election of Officers and Council, as directed by Article XVII of the Constitution.

MEETINGS OF COUNCIL

ART. VI. The Council shall appoint its own Meetings, preference as to time being given to 3 30 P.M. on the first Wednesday of each month.

ART. VII. Timely notice of every Council Meeting shall be sent by post to the members of the Council, and shall contain a statement of any extraordinary business to be done.

ORDER OF BUSINESS AT COUNCIL MEETINGS

ART. VIII. The Order of Business at Council Meetings shall be :—

(1) Action upon the Minutes of the last Meeting ;

(2) *Reports* :—

of the Corresponding Secretary,
of the Organisation Committee,
of the Publications Committee,
of the Treasurer,
of the Librarian,
of Special Committees ;

(3) The Election of Members ;

(4) The Nomination of Candidates for Membership of the Society ;

(5) Miscellaneous Business ;

(6) Acceptance of Papers to be read before the Society, and.

(7) Arrangement of the Business of the next General Meeting.

ORGANISATION COMMITTEE

ART. IX. There shall be a Standing Committee entitled the Organisation Committee and composed of such members of the Society as the Council shall, from time to time, appoint. It shall choose its own Chairman.

The purpose of this Committee shall be to encourage and organise research among the members of the Society.

To that end it shall, from time to time, publish a report containing a survey of the materials contained in the Transactions and of the fields of study not adequately treated. It shall also collect materials for study, and advise and assist members who are willing to contribute to the work of the Society.

It shall have competence to draw up its own rules of procedure.

It shall report periodically to and act under the authority of the Council.

PUBLICATIONS COMMITTEE

ART. X. There shall be a Standing Committee entitled the Publications Committee and composed of the Secretaries, the Treasurer, the Editor, and any Members appointed by the Council. It shall ordinarily be presided over by the Editor.

The Publications Committee shall :—

1. Arrange for the sending of copies of the Tran-

sactions to all members not in arrears for dues, according to the list furnished by the Treasurer, and to all Societies and Journals, the names of which are on the list of Exchanges ;

2. Arrange with booksellers and others for the sale of the Transactions as directed by the Council, send the required number of each issue to the appointed agents and keep a record of all such business ;

3.. Present to the Council at its November Meeting a statement of the Stock of Transactions possessed by the Society.

4. It shall report periodically to and act under the authority of the Council.

5. It shall audit the accounts for printing the Transactions.

DUTIES OF THE CORRESPONDING SECRETARY

ART. XI. The Corresponding Secretary shall :—

1. Conduct the Correspondence of the Society ;

2. Arrange for and issue notice of Council Meetings, and provide that all official business be brought duly and in order before each Meeting ;

3. Attend every Council Meeting or give notice to the Recording Secretary that he will be absent ;

4. Notify new Officers and Members of Council of their appointment and send them each a copy of the By-Laws ;

5. Co-operate with the Recording Secretary, Treasurer, Editor and Librarian in drafting the Annual Report of the Council and in preparing for publication all matters as defined in Article XIII of the Constitution ;

6. Act on the Publications Committee.

DUTIES OF THE RECORDING SECRETARY

ART. XII. The Recording Secretary shall :—

1. Keep Minutes of General Meetings ;
2. Make arrangements for General Meetings as instructed by the Council and notify members resident in Tokyo and Yokohama ;
3. Inform the Treasurer of the election of new Members ;
4. Attend every General Meeting and Meeting of Council, or in case of absence, depute the Corresponding Secretary or some other member of Council to perform his duties and forward to him the Minute Book ;
5. Act for the Corresponding Secretary in the latter's absence ;
6. Act on the Publications Committee ;
7. Assist in drafting the Annual Report of the Council ;
8. Furnish abstracts of Proceedings at General Meetings to newspapers and public prints as directed by the Council.

DUTIES OF THE TREASURER

ART. XIII. The Treasurer shall :—

1. Take charge of the Society's funds in accordance with the instructions of the Council ;
2. Take charge of the Society's stock of Transactions and other publications ;
3. Apply to the President to appoint auditors, and present the annual Balance sheet to the Council, duly audited, before the date of the Annual Meeting ;
4. Attend every Meeting of the Council and report upon the money-affairs of the Society ;
5. Notify new members of their election and the

amount of the entrance fee and subscription due, and send them copies of the Constitution and By-Laws of the Society ;

6. Collect subscriptions and notify members of their unpaid dues at least twice a year ; apply to agents for the sale of the Society's Transactions in Japan and abroad for payment of sums owing the Society ;

7. Make all payments for the Society under the direction of the Council, making no single payment in excess of ten *yen*, without special vote of the Council, except on accounts approved by the Publications Committee ;

8. Report to the Council at its January Meeting the names of members who are in arrears, and furnish the Publications Committee with the names of any members to whom the sending of Transactions is to be stopped ;

9. Prepare for publication the List of Members of the Society ;

10. Act on the Publications Committee.

DUTIES OF THE EDITOR

ART. XIV. The Editor shall :—

1. Attend all meetings of the Council and report for the Publications Committee ;

2. Take charge of authors' MSS. and under the authorisation of the Council arrange for the printing of the Transactions ;

3. Under the general direction of the Publications Committee he shall assume responsibility for the issuance of the annual volume, and such reprints as are ordered by the Council ;

4. Submit all estimates and accounts for printing to the Publications Committee ;
5. Act on the Publications Committee.

DUTIES OF THE LIBRARIAN

ART. XV. The Librarian shall :—

1. Take charge of the Society's Library, keep its books and periodicals in order, and superintend the cataloguing of all additions to the Library and the binding and preservation of the books ;
2. Carry out the Regulations of the Council for the use and lending of the Society's books ;
3. Arrange, under the direction of the Council, all new exchanges of the Transactions with Societies and Journals ;
4. Draw up a list of exchanges and of additions to the Library for insertion in the Council's Annual Report ;
5. Make additions to the Library as instructed by the Council ;
6. Attend every meeting of the Council and report on Library matters.

LIBRARY AND MEETING ROOM

ART. XVI. The Society's Rooms and Library shall be at Keiō University, 2 Nichome, Mita, Tokyo, to which all letters and parcels should be sent.

ART. XVII. The Library shall be open to members for consultation every day, Sundays and holidays excepted, and books may be borrowed by members, for a period not exceeding one year, by depositing receipts for the same with the Assistant Librarian.

SALE OF TRANSACTIONS

ART. XVIII. A member may obtain at half-price for his own use copies of any Part of the Transactions.

ART. XIX. The Transactions shall be kept on sale by Agents approved of by the Council and shall be supplied to these Agents at a discount price fixed by the Council.

BANKERS

ART. XX. The Society's Bankers shall be the Mitsu Bishi Goshi Kwaisha, Banking Department, 1 Yayesu-cho, Itchome, Kojimachi, Tokyo, to whom should be remitted direct the annual subscriptions of members, or other money due to the Society.

LIST OF MEMBERS

HONORARY MEMBERS

- Chamberlain, Prof. B.H., 12 rue de l'Athénée, Genève,
Switzerland.
Gubbins, C.M.G., J. H., 10 Lethbury Road, Oxford, England.
MacDonald, G.C.M.G., Col. Sir Claude M., London.
Rein, Prof. J. J., Bonn-am-Rhein, Germany.
Satow, G.C.M.G., Rt. Hon. Sir Ernest M., Ottery St. Mary,
Devon, England.
Sayce, Litt.D., D.D., Prof. A. H., Queen's Coll., Oxford.
Wigmore, LL.D., Prof. J. H. Evanston, Ill., U.S.A.

MEMBERS.

* Life Member.

- * Alexander, Rev. R. P., Aoyama Gakuin, Tokyo.
Alker, Dr. Francis, Lever Bros. Ltd., 81 Kyomachi, 1 of 110
Kitano, 4 chome, Kobe.
Allen, R.N., Lieut. E. J., The Admiralty, Whitehall, London.
* Amerman, D.D., Rev. James L., 25 E. 22nd St., New York.
Andrews, Rev. R. W., Kita Kuruwa-cho, Maebashi, Gumma.
* Andrews, D.D., Rt. Rev. Bishop Walter, Hakodate.
Anesaki, Prof. M., 78 Sasugaya, Koishikawa, Tokyo.
Armstrong, Rev. R. C., Kwansai Gakuin, Kobe.
Arnell, C. J., American Embassy, Tokyo.
* Asakawa, Ph.D., Prof. K., Yale University, New Haven, Conn.
Ascherson, Dr. W. L., Shioya, Hiogo-ken.
* Atkinson, B.S.C., R. W., 44 Stuart St., Cardiff, Wales.
Austin, R. McP., British Consulate General, Yokohama.
Axling, Rev. W., 12 Suzukicho, Surugadai, Tokyo.
Babcock, Miss B. R., Koriyama, Fukushima.

FORM OF
Application for Membership

IN THE

ASIATIC SOCIETY OF JAPAN.

To the Corresponding Secretary,

Asiatic Society of Japan,

Keijōjuku, Mitā, Tokyo.

Dear Sir,

In accordance with the terms of Articles VI-VIII of the Constitution of the Society, I have the honor to request that you bring my name before the Council as that of an applicant for membership (life or annual).

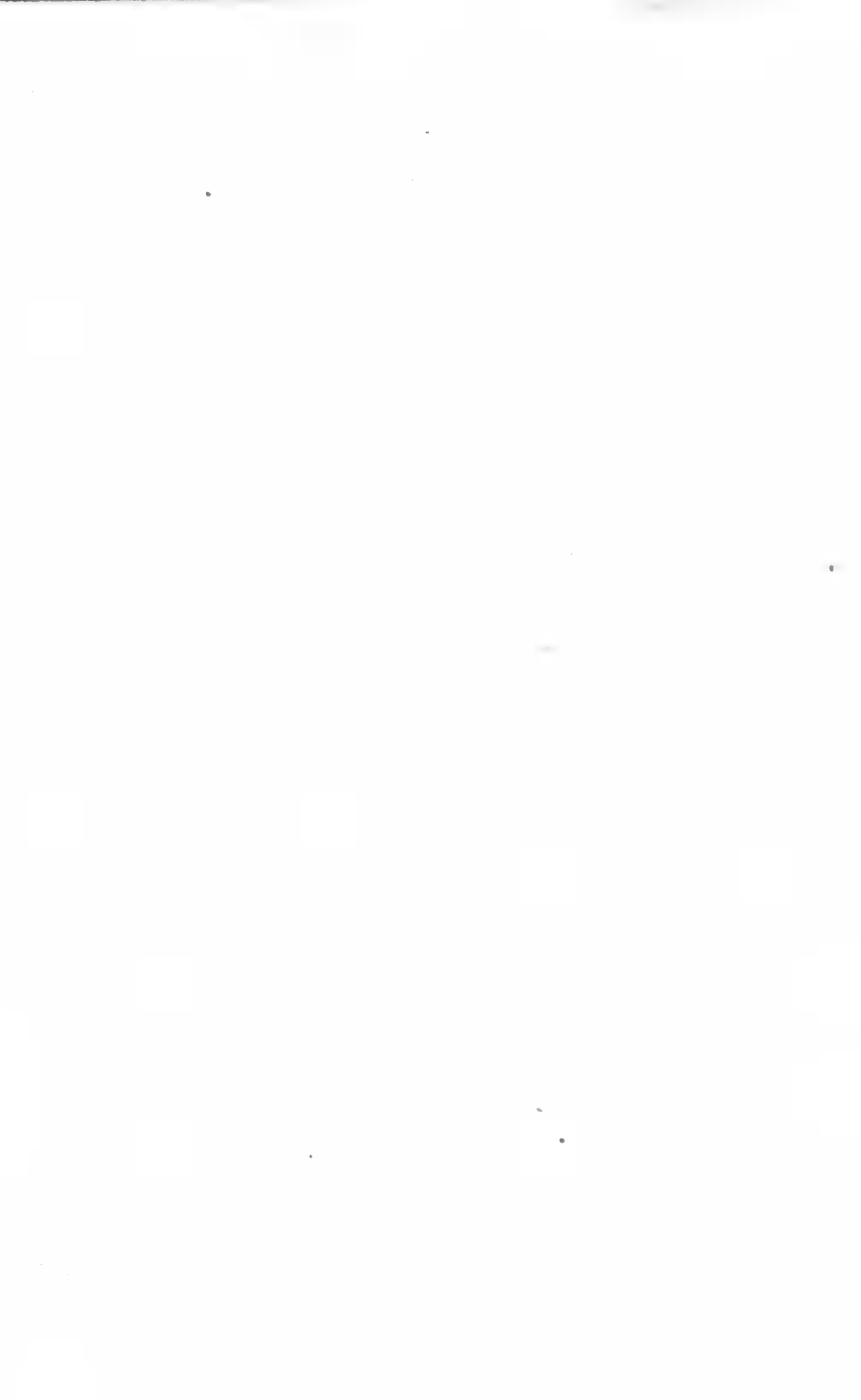
I have the honor to remain,

Dear Sir,

Yours faithfully,

Name _____

Address _____



- Ball, H. G., Japan Herald, 60 Yamashitacho, Yokohama.
Ball, Miss Katharine M., 1730 Pine St., San Francisco, Cal.
*Baroda, His Highness the Gaekwar of, Baroda, India.
*Batchelor, F.R.G.S., Rev. J., Sapporo.
Bates, Rev. C. J. L., Kwansei Gakuin, Kobe.
Beach, Prof. H. P., Yale Univ., New Haven, Conn., U.S.A.
Bedinger, G. R., 26 Bennet St., Boston, Mass., U.S.A.
*Belavenetz, Lieut. P. I., Sevastopol, Russia.
Benninghoff, Rev. H. B., 91 Benten-cho, Ushigome, Tokyo.
Bernard, C. B., 210 Yamashita-cho, Yokohama.
*Bigelow, Dr. W. S., Boston, Mass., U.S.A.
Blake, D. H., 28 Yamashita-cho, Yokohama.
*Blanchet, Rev. C.T., 422 Monroe Heights, F't. Meyers, Fla.
Blattner, Mrs. E. J., c/o H. Blattner, Esq., 514 Washington Ave., St. Louis, Mo.
Bles, Arthur, 81 Boulevard Pereira, Paris, France.
Bliss, M. D. T., 48 Minamicho, 1 chome, Aoyama.
Blockhuys, E. J., Tokyo Club, Tokyo.
*Booth, Rev. E. S., 178 Bluff, Yokohama.
Bouldin, Rev. G. W., Scottsboro, Ala., U.S.A.
Boulter, R., Great Finborough, Stowmarket, Suffolk, Eng.
Bowie, H. P., San Mateo, California, U.S.A.
Bowles, Gilbert, 30, Koun-machi, Mita, Shiba, Tokyo.
Boyd, Miss L. H., 21 Iidamachi, 6 chome, Kojimachi, Tokyo.
Brand, Capt. the Hon. Hubert G., R.N., British Embassy, Tokyo, and Admiralty, London, England.
Brindley, H. S. B., "Koyama," Sutton Coldfield, Warwickshire, England.
Brooke, C., 6 & ■ Eastcheap, London, E.C.
Brylinski, Lieut. R., c/o French Embassy, Tokyo.
Buck, Mrs. A. E., 207 W. Peachtree St., Atlanta, Ga., U.S.A.
*Buckman, Williamson, 102 N. Clinton Ave., Trenton, N.J.
Caldwell, J. K., American Embassy, Tokyo.
Calthrop, R.A., Capt. E. F., 151 Gloucester Rd. London, S.W.
Carew, H., 58 Nikanoshima, 5 chome, Higashi, Osaka.

- Carlsen, Miss V. D., 26 Hodono, Atago-cho, Akita.
- *Cary, D.D., Rev. Otis, Ichijo-sagaru, Kyoto.
- Cecil, D.D., Rt. Rev. Bishop, 11 Sakae-cho, Shiba, Tokyo.
- Chapman, Rev. J. J., Tenma, Nara.
- Chappell, Rev. J., Mito, Ibaraki Ken, Japan.
- *Cheon, A., Sorcy-Bauthémont par Amagne, Ardennes, France.
- Clark, Alexander, 224 Bluff, Yokohama.
- *Clarke-Thornbill, T. B., 3 Carlisle Place, Victoria St., London.
- *Clement, E. W., 34 Minami Machi, Ushigome, Tokyo.
- Clinton, J. M., c/o Chinese Y. M. C. A., Jimbocho, Kanda, Tokyo.
- Coates, D.D., Rev. H. H., Aoyama Gakuin, Aoyama, Tokyo.
- Cobb, Rev. E. S., Karasumaru-dori, Kyoto.
- *Cocking, S., ■ Hiranuma-machi, Yokohama.
- Coggeshall, R. F., 35 B Bluff, Yokohama.
- Coleman, H. E., 53 Isarago, Shiba, Tokyo.
- Cooke, Rev. A. W., Sendai, Japan.
- *Conder, J., 25 Mikawadai-machi, Azabu, Tokyo.
- *Cooper, LL. D., C. J., 20 Hertford St, Cambridge England.
- *Courant, M., 3 Chemin du Chancelier, Ecully, Rhone, France.
- Cumming A., 7 Bund, Yokohama.
- Curtice, R. S., American Consulate, Seoul.
- Dahlmann, S.J., Rev. J., 7, Kioi-cho, Kojimachi, Tokyo.
- Dalton, Miss, Hinoki-cho, Akasaka, Tokyo.
- *Dautremere, J., Hankow, China.
- Davey, Rev. P. A., 17 Myogadani, Koishikawa, Tokyo.
- Davis, J. Merle, 22 Fujimi cho, Gochome, Kojimachi, Tokyo.
- Dearing, D.D., Rev. J. L., 75 Bluff, Yokohama.
- *Deas, F. W. (Address wanted)
- de Becker, J. E., 75 Yamashita-cho, Yokohama.
- *De Bunsen, Sir M., British Embassy, Madrid, Spain.
- de Cáll, H. E. Baron, Austro-Hungarian Embassy, Tokyo.
- de Havilland, W. A., 3 Mitsu Bishi B'ld'gs, Yayascho, Tokyo.
- *De Wollant, G., Vorontzovski 26, Jalta, Crimea, Russia.
- Denning, Prof. Walter, Second High School, Sendai.
- Denton, Miss Mary F., Doshisha Girls' School, Kyoto.

- *Dickins, F. V., Seend Lodge, Wilts, England.
- *Dillon, E. (Address wanted.)
- *Dixon, F.R.S.E., J. M., Univ. of S. Cal., 3500 Wesley Ave.,
Los Angeles, Cal.
- *Dixon, Rev. W. G., The Maunse, Roslyn, Dunedin, N.Z.
- Dodge, P. H., 32 Nichome, Fujimicho, Kojimachi, Tokyo.
- Draper, Rev. G. F., Aoyama Gakuin, Tokyo.
- *Droppers, Prof. Garrett, Williamstown, Mass., U.S.A.
- *Du Bois, M.D. Francis, (Address wanted)
- *Duer, Y., 11 Shiba Koenchi, Tokyo.
- *Dunning, Rev. M. D., Doshisha University, Kyoto.
- *Eby, D.D., Rev. C. S., 220 Westmoreland Ave., Toronto, Can.
- Edalji, Jamshedji, c/o Post Master, Peking, China.
- Egan, J. R., Manila, P. I.
- Eldridge, F. R., 23 Bluff, Yokohama.
- Eliot, Sir Charles, The University, Hongkong.
- Elwin, Rev. W. H., 7 Sasugaya-cho, Koishikawa, Tokyo.
- Enrique, Joaquin, 179-A Bluff, Yokohama.
- Evans, Rev. Charles H., 31 Hodono, Naka-cho, Akita.
- *Favre-Brandt, J., 145 Bluff, Yokohama.
- *Fearing, Hon. Daniel B., Newport, Rhode Island, U.S.A.
- Filene, Edward A., 453 Washington St., Boston, Mass.
- Fisher, Galen M., 22 Fujimi-cho, Gochome, Kojimachi, Tokyo.
- Fleisher, B. W., 18 Yamashita-cho, Kyobashi, Tokyo.
- *Flemmich, O. C., Alton House, Roehampton, England.
- *Florenz, Prof. Dr. Karl, 171 Bluff, Yokohama.
- Flournoy, Mrs. J., 2442 Jackson St., San Francisco, Cal.
- *Forbes, Miss, 28 Hirakawa-cho, Kojimachi, Tokyo.
- Ford, W. C., Library of Congress, Washington, D.C., U.S.A.
- Fowke, V. L. P., British Embassy, Tokyo.
- Fox, Eugene, 75 Yamashitacho, Yokohama.
- *Foxwell, E., St. John's College, Cambridge, England.
- Fraser, C. I., 6 Nakahamamachi, Hakodate.
- Frazar, E. W., 119 Bluff, Yokohama.
- Gadsby, John, 75 Yamashitacho, Yokohama.

- *Gardiner, J. McD., 32 Dote Sanbancho, Kojimachi, Tokyo.
- Gasco, A., Italian Embassy, Tokyo.
- Gemmill, Rev. W. C., 11 Sakae-cho, Shiba, Tokyo.
- Gibbs, J. B. J., 89-c, Yamashitacho, Yokohama.
- *Giussani, Carlo, 14 Via Passarella, Milan, Italy.
- *Goodrich, J. K., 186 N. College St., Carlisle, Pa.
- *Goodkins, F. W., 13 West Walton Place, Chicago, Ill.
- Gosman, Major G., American Embassy, Tokyo.
- Goucher, D.D., Rev. J. F., Goucher College, Baltimore, Md.
- Gough, Rev. P., The Vicarage, Heptonstall, Yorks, England.
- *Gowland, F.R.S., Prof. W., 13 Russell B'd, Kensington, Lon.
- Greene, K.C.B., H. E. Sir C., British Embassy, Tokyo.
- Griffin, J. C., 217-B. Bluff, Yokohama.
- *Griffs, D.D., Rev. Wm. Elliot, Ithaca, New York.
- *Groom, A. H., 138 Nakayamate, 2 chome, Kobe.
- Gulick, D.D., Rev. S. L., Teramachidori, 6 Nishinoki-cho, Kyoto.
- Guttridge, G. W., 69 ■ Bluff, Yokohama.
- Guy, PH.D., Rev. H. H., Berkeley, California, U.S.A.
- Gwatkin, F.A., British Embassy, Tokyo.
- *Gwatkin-Williams, B.N., Commander R. S., Ellenville, Ballinacurra Co., Cork, Ireland.
- *Haas, D.D., Rev. H., 9 Alexandrinenstrasse, Coburg, Germany.
- Hagin, Rev. Fred E., 65 Miyashita-cho, Koishikawa, Tokyo.
- Hall, M.D., C. H.H., 101 Yukinoshita, Kamakura.
- Hall, Mrs. F. G., o/o Miss Cleveland, Nutwood, Jamaica Plain, Mass., U.S.A.
- *Hall, Frank, Elmira, New York, U.S.A.
- *Hall, C.M.G., I.S.O., J. C., Royal Societies Club, London.
- Hargrove, C. B., 13, Reinanzaka, Akasaka, Tokyo.
- Harris, D.D., LL.D., Rev. Bishop M. C., Aoyama Gakuin
■ Aoyama, Tokyo.
- *Harrison, A. C., 1910 Sansom St., Philadelphia, Pa.
- Harrison Mrs. R. C., 1998 Vallejo Street, San Francisco, Cal.
- Hartshorne, Miss Anna C., 16 Goban-cho, Kojimachi, Tokyo.
- *Hattori, I., Hiogo Kencho, Kobe.

- Heckelman, Rev. F. W., 2 Aoyama Gakuin, Tokyo.
 *Hein, G. S., Messrs. Sale & Co., 21 Old Broad St., London.
 *Hellyer, T. W., 92 Yedomachi, Kobe.
 Hibbard, Clarence A., 16 Minami, Yamate, Nagasaki.
 Hill, R.F.A., L.R., British Embassy, Tokyo.
 Hind, Rev. J., 107 Higashi, Kojimachi, Kokura, Japan.
 Hobart-Hampden, E. M., British Embassy, Tokyo.
 *Hoffsommer, Rev. W. E., Meiji Gakuin, Shirokane, Tokyo.
 *Holme, F.L.S., C., Upton Grey House, Winchfield, Hants, England.
 Holton, Rev. D. C., 426 Minami machi, Mito, Japan.
 *Hope, R. C. (Address wanted)
 *Hopkins, G. B., 52 Broadway, New York, U.S.A.
 Hora, Karel Jan, Shanghai, China.
 Howard, D.D., Rev. A. T., 1912 Shimo Shibuya, Tokyo.
 Hubbard, Prof. W. P., Wheeling, W. Va., U.S.A.
 *Hunt, H. R., 211 Yamashitacho, Yokohama.
 Hyde, Miss Helen, 8 Hikawa-cho, Akasaka, Tokyo.
 Hyde, F.B.G.S., Hon. John, Lanier Heights, Washington, D.C.
 *Hyde, J. Hazen, (Address wanted)
 Ibbotson, H. J., 22 Yamashita-cho, Yokohama.
 *Irwin, R. W., 36 Kami Nibancho, Kojimachi, Tokyo.
 *Isawa, S., 50 Dairokuten-cho, Koishikawa, Tokyo.
 Isler, Dr. J.L., Kanagawa Kencho, Yokohama.
 *James, F. S., Junior Athenaeum Club, Picadilly, London.
 *Johnston, R. F., Weihaiwei, China.
 Jones, D.D., Rev. G. H., 150 Fifth Ave., New York.
 Jorgenson, Rev. A., 72 Myogadani, Koishikawa, Tokyo.
 Jowett, Rev. Hardy, Wesleyan Mission, Pingkiang, via Changsha, Hunan, China.
 *Kano, Pres. J., Higher Normal School, Koishikawa, Tokyo.
 Kato, PH. D., Prof. G., 11 Maruyamacho, Koishikawa.
 Kauffman, Prof. J. L., 13 Reinanzaka, Akasaka, Tokyo.
 Keirn, D.D., Rev. G. J., 15 Dote Sanbancho, Kojimachi-ku.
 Kellogg, Edward R., 108 Nichome, Motomachi, Yokohama.

Kelsch, G. de Vianna, Brazilian Legation, Tokyo.

Kennedy, J. R.

Kettlewell, Rev. Fred., 52 of 1721 Fukiai-cho, Kobe.

Kikkawa, Baron C., 9 Higashi Kobaicho, Surugadai, Tokyo.

*Kinch, E., Royal Agricultural Coll., Cirencester, England.

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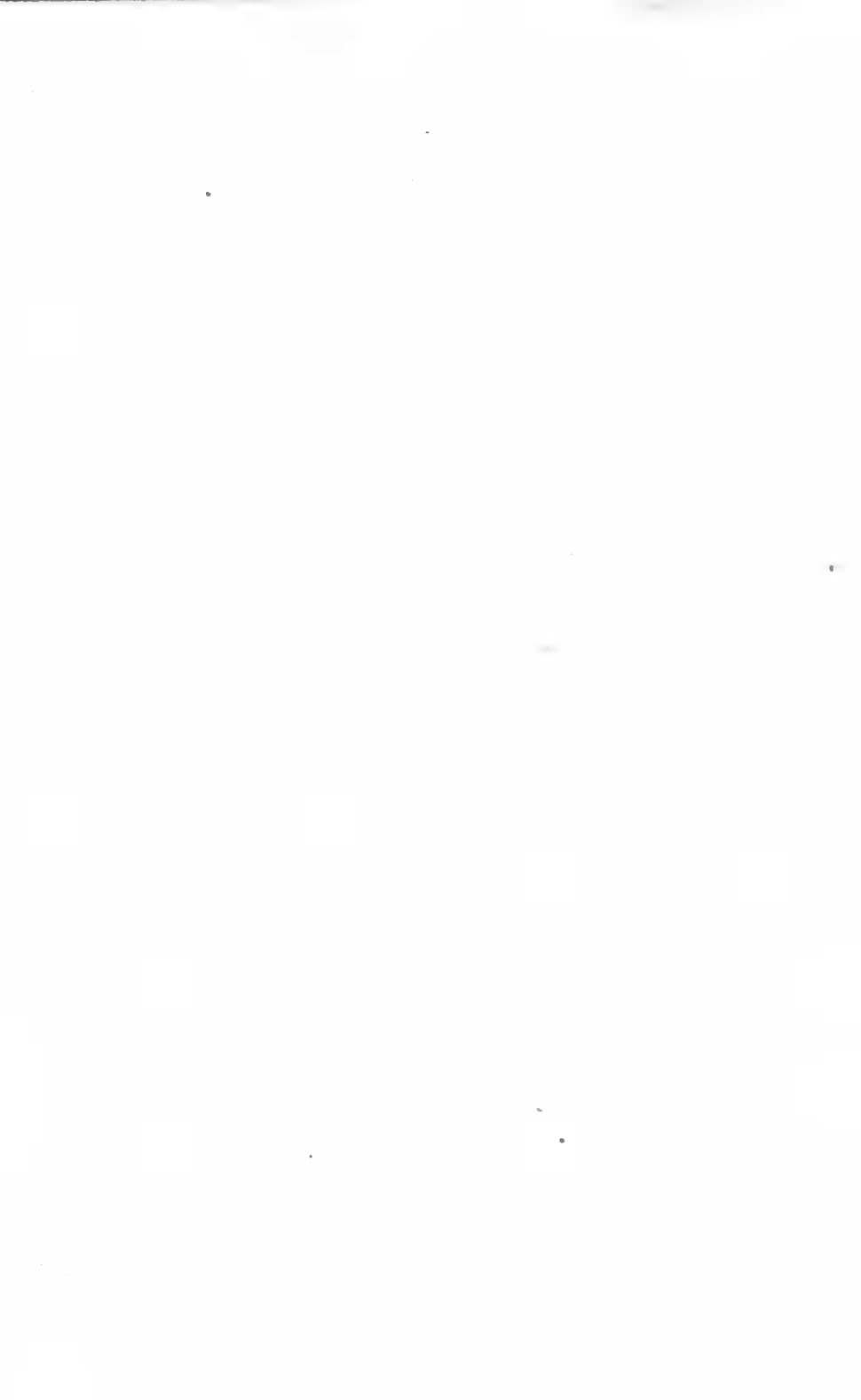
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INDEX.

Titles in small caps indicate subjects of theses.

	PART.	PAGE
Accomplices, Confessions of	V.	790
Adultery, Punishment of	V.	741
AGRICULTURE, STUDIES IN JAPANESE, by J. Struthers,		
M.A., B. SC.	II.	351
Aji-Suki-Taka-Hikone-no-Mikoto	IV.	595, 624
Akahito, of the Nara Age	I.	58
Ama-no-Hohi-no-Mikoto (Heavenly-Deity-Fire-Sun) ...	IV. 573,	578, 607, 624, 638
Ama-Terasu-Oho-Kami	IV.	510, 595
Amulets, issued at Idzumo Shrine	IV.	514
Animal Industry in Japan	II.	355
Aoki, Konyo, Confucian Scholar	III.	401, 470
Ariga, Dr. N., on Absolutism	I.	148
Arson, Punishment of	V.	765
" See also "Fires".		
Art, Japanese, never original	I.	83
Artists, Tōkyō and Kyōto, compared	I.	82
Art and Artists, a retrospect	I.	61
Asaina, Mr. Chisen, on language reform	I.	10
Asayemon, Sub-Chief of Eta	V.	803
Ashikaga, Yoshinari, Armor of, Idzumo... ..	IV.	511
Assignment of City Mansions	V.	731
Aston, Mr. W. G., quoted	I.	156, 167
Atkinson's Translation, referred to	II.	301
Atsuta, Sword at, Came from Idzumo	IV.	628
Ballads, Various kinds of	I.	60
Bankruptcy, Sentences of	V.	715
Banishment, to what islands	V.	793
Barrier Crossing, unlawful, punished, by Crucifixion ...	V.	707
Bashō, of the Tokugawa Era	I.	58
Bastinado	V.	799
Bekkwa, "Different Fire," Family residences at Idzumo	IV.	496, 510
Bird, Punishment for killing a	V.	708
Biwa, the lute	IV.	610
Blind Persons, capital punishment of	V.	802
Bones as Fertilizer, introduced from China	II.	361

	PART.	PAGE.
Bon-Fires, in connection with Shintō Festivals	IV.	532
Books, Notices of	V.	187, 805
Boundaries, Rectification of Disputed	V.	701
Bribery, Punishment of	V.	711
Brothers, Relation of	IV.	619
Buddhism, Three Works of, (<i>Saigyō</i>)	III.	225
Buddhism, Five Commandments of	II.	223
Buddhism and the Worship of gods... ..	I.	159
Buddhist, Three Worlds	II.	221
BUDDHISTIC VIRTUES, THE TEN, Translation, by		
G. W. Bouldin and S. Ojima	II.	215
Buildings, Idzumo Shrine	IV.	495-503
Bunkamon, divided authority and power... ..	I.	34
Burial Service, <i>Sōkai Shiki</i>	IV.	561, 673
Burials, Private, Punishment for allowing	V.	747
Burning to death as punishment	V.	792
Buse, Prof. L. and German Philosophy	I.	3
Calendar, change of, Nov. 11th, 1872	I.	32
Chamberlain, Prof. B. H. quoted	I.	156-158
Chamberlain, Prof. B. H., on "Elements of Sōsho"	I.	188
Chaoeki, Kanzaemon, noted carver	IV.	498
Charms, curative and protective	IV.	571, 577
Catechism of the "Great Way"	IV.	637, 653
Children, punishment for casting away	V.	738
China, Influence of in Japan	II.	361
Chinese Ideographs, future of	I.	19
Chinese Ideographs, marvelous capabilities of	I.	1, 8
Christianity as it appears to Japanese scholars	I.	163
Christians, decline of supernaturalism among Japanese... ..	I.	182
Civilization in Japan, Future of	I.	40
Concealment regarding land	V.	787
Confucianism, treatment of in Japan	I.	161
Conduct and Character, relation of	IV.	644
Constitution, the Japanese	I.	135
Constitution in Japan	I.	154
Counterfeiting, See "False Coins."		
Courier who opens letter and spends money	V.	785
Creator Deities, The Three, <i>Zōmei no Sanjin</i>	IV.	598, 628
Criminal Charge, investigation of	V.	790
Criminals, Confiscation of estates of	V.	712
" Information against	V.	757
" Aiding escape of... ..	V.	776

	PART.	PAGE.
Criminals, Search for	V.	777, 778
" Banished, second offense of	V.	780
" Pickling in Salt, Corpses of worst	V.	783
Crucifixion as a Law Penalty	V.	707, 791
Culture, Japanese mind needs wider	I.	132
Daimyō, Kii line of	V.	683
Dance, Kidzuki Bon	IV.	532
Dancing, See "Kagura"		
Danzayemon, Eta chief	V.	802, 803
Date Munenori, Daimyō of Uwajima	III.	459, 483
Date Masamune, powerful lord	III.	392
DAZAI JUN'S ECONOMIC ESSAYS, R. J. Kirby Ed.	II.	195
Death, sudden, or murder, Punishment for not reporting	V.	757, 792
Debt, Causes of money	V.	722
Decapitation, Public	V.	701, 792, 798
Defects, Japanese national	I.	131
Deity at Idzumo	IV.	582
Dening, Walter, Author "Modern Japanese Literature"	I.	1
Deportation, Major, Medium, Minor	V.	794, 795
Deshima, Factory at	III.	402
Despotism, Triumph of	I.	150
Diplomacy, Short Account of Japanese	I.	144
Dissection first practiced in Japan	III.	383
"Divination," by Dazai Jun	II.	204
Divine Benevolence, (<i>Shin-on-ki</i>) The Records of	IV.	631, 636
Divine Law of Purity	IV.	608, 623
Drama, The	I.	85
Drama, Condition of the	I.	6
Dream, A, <i>Yume-Monogatari</i>	III.	417, 483
Drunkards, Punishment of	V.	774
Dry farming and soil physics	II.	356
"Doing Nothing," by Dazai Jun	II.	195
Double-tongued, Buddhist sermon on not being	II.	301
Dōyō, Hot season in Japan	III.	396
Dutch Learning a powerful factor in Restoration... ..	III.	382
Dutch New Year's Day, Celebration of, Illustration	III.	379
Dutch Scholars imprisoned	III.	408, 410
" " Partial list of	III.	434
" " Among Japanese, their struggles	III.	384
Edict, Imperial, written by <i>Sobenkwan</i>	IV.	591, 624
EDICT IN ONE HUNDRED SECTIONS, THE, J. C. Hall, Ed.	V.	688
Editors and business managers of papers in Japan	I.	98

	PART.	PAGE.
Education	I.	103
„ Imperial Rescript on, Oct. 30, 1890...	I.	126
„ Department of, ethical policy	I.	174
Educational Abuses, Anonymous writer on	I.	121
„ Problem, Japan's	I.	103
Egawa Tarozasemon, <i>Hatamoto</i> , & deputy of Izu	III.	388, 432, 479
Eiun's Dream, and Miraculous tree-leaf	IV.	611
Eiun, Kanno Hōkyō, real name... ..	IV.	611, 629
Elders Sons, Petitions concerning	V.	787
Elder Statesmen, or Genrō	I.	142
Emperor, Authority of and Divine authority... ..	I.	148
„ Go-Daigo, and the Divine Sword	IV.	609, 628
Endo Katsuke of Yotsuya, friend of Takano	III.	452
Endorsements in Disputed Land Cases	V.	702
<i>Engi-Shiki Jimmei-Chō</i>	IV.	601, 627
Enslavement of Offenders	V.	797
Epic Poetry in Japan, absence of	I.	52
Escaped Prisoners, Punishment of	V.	780
Ets, called non-human:	V.	802, 803
Ethics, as taught in private schools	I.	180
<i>Ethics; A Class book for Normal and Middle Schools</i>	I.	175
Ethical polity, Department of Education... ..	I.	174
European Countries, information about	III.	382
Exaggerating, Buddhist sermon on not	II.	241
Expenses of Law Suits, How met	V.	709
Exposure in Cangue	V.	793
Expulsion from Yedo; from Domicile	V.	795, 798
False accusations punished	V.	761
False Coiners, Punishment of	V.	562
False Charge, A.	III.	434
False Weights, Punishment for making	V.	763
Famine, A serious, 1833	III.	418
Farmers, Punishment of	V.	714
„ Wearing of swords by	V.	787
Fenollosa, Prof. on vitality of art	I.	74
„ Attention to art treasures called by	I.	80
Fertilisers in Japan	II.	351
Festivals of Great Shrine, Idzumo	IV.	513, 652, 654
<i>Feudal Laws, Japanese</i> , Trans. by J. C. Hall, Esq.	V.	683
Feudal tie, cancellation of	V.	798
Fiction of the Meiji Era	I.	22
Fiction, principal schools of	I.	6

	PART.	PAGE.
Filial Piety, effect of tales about	I.	123
Fines, extent of	V.	797, 800
Fire-arms and Culpability of Villagers	V.	707
Fire as a purifier in Shintō... ..	IV.	542
„ First appearance of in Japan	IV.	615, 629
Fire-drill ceremony at Idzumo	IV.	496, 509
Fire in the history of mankind	II.	359
Fires, Responsibility for	V.	763
Five Elements, <i>Gogyō</i>	II.	308
Forging Documents or Seals	V.	759
Foreign Opinion of Japanese art	I.	74
Friends, Relation of	IV.	650
Fujibayashi Taisuke	III.	44, 476
Fujita, Tōko, or Toranosuke, famous Confucian scholar..	III.	461, 485
<i>Fujusō</i> Sectaries, Punishment of	V.	745
Fukuchi, Genichirō, on modern Japanese	I.	5
„ „ War correspondent	I.	100
Fukuzawa, Yukichi, and his writings	I. 22, 25, 98,	99
„ and the Religious sense	I.	173
„ and system of ethics	I.	180
<i>Furukoto-fumi</i> = <i>Kojiki</i>	IV.	582, 621
<i>Futodoki</i> ,=Insolence	V.	700
Futsu-Nushi-no-Kami,=Deity-Snapping-Master	IV.	574, 579
<i>Gagen</i> ,—classical language	I.	59
Gambling, Punishment of	V.	748
<i>Genbunichi</i> style	I.	21
<i>Genjō</i> , Name of famous <i>Bizen</i> ,	VI.	610
Genrō, The, or the Elder Statesmen,	I.	142
<i>Genryoku Sōjō-ki</i> , Records presented the Emperor, ...	I.	599, 626
Gibbetting after Decapitation.	V.	791
<i>Nitoku</i> (Righteous Country), Japan	III.	428
Girl, Punishment for debauching betrothed,	V.	744
<i>Gishiki Den</i> , Hall of Ceremonies,	IV.	552
“Glimpses of Unfamiliar Japan,” See Hearn.		
Golden Rule in Japanese dress,	IV.	622
<i>Gongyū</i> , Vice-Warden, Idzumo and Atsuta	IV.	514
<i>Goma</i> , rite, Idzumo	IV.	496
Goods en route, Punishment for buying & selling ...	V.	728
Goods Pawned, law concerning,	V.	785
Gossiping, Commandment against	II.	301
Government, Democratic, for Japan	I.	135
„ Local assemblies established 1879	I.	92

	PART.	PAGE.
Greene, Rev. D.C., D.D., Trans. Osada's Life of Takano..	III.	379—492
Guilt, Degrees of	V.	786
Goji, Warden of a Shrine	IV.	507
Habu Gensiki	III.	408, 473
Hagatama, =Hardening the Teeth	IV.	546
Hagura Geki, Daikwan or deputy	III.	481, 480
" " Also called Hakura	III.	481
Haiden, or "Oratory," Idzumo	IV.	496
Hall, J.C. Esq., Trans. of "Japanese Feudal Laws" ...	V.	683—804
Handcuffing	V.	800
Haniakubo no Omi, Head of Clay-workers	IV.	619
Harai (Purification) bridge	IV.	496
Harai no Yashiro, Shrine of Purification	IV.	608, 628
Hayashi, Akiraka, Minister of Education under Shogunate	III.	431
Hayashi, Tadasu, Count, on Japanese religious nature ...	I.	170
Headache-god, Zetsu-no-Kami	IV.	498
Hearn, Lafcadio, Criticised	I.	9, 77
" " On Japanese art	I.	62
" " "Glimpses of Unfamiliar Japan," errors in	IV.	493, 537
Heavens, Thirty-three Buddhist	II.	316
Hero-worship in Modern Shintō	IV.	586
Hidari, Jingoro, Noted left-hand carver	IV.	498
Hideyoshi's demand upon Idzumo priests	IV.	540
Hi-dokoro-ban, Cooks and watchmen in charge of Imi- Bi-Dono, Idzumo	IV.	544
High-Priests of Idzumo, History of	IV.	533
Hinin, Beggars	V.	808
Hinin-Gashira	V.	808
Hiraga Kinkai, also called Gennai	III.	401, 472
Hirata, Atsutane, quoted	IV.	584
Hirose, Mr. Kawanosuke, Learned priest at Idzumo ...	IV.	493
Hirose, Tanso, Famous Confucian scholar of Chikuzen ...	III.	407
Historical Criticism, Obstacles to in Japan	I.	4
Hito-Koto-Nushi-no-Kami	IV.	600, 626
Hotomaro of the Ara Age	I.	58
Hitsugi (Fire) as related to Imperial succession ...	IV.	543
Hohai-Shiki, ceremony offering Nasa or Gohai	IV.	516
Hoken Kōkō, Proofre Sacred Sword	IV.	610, 628
Hokku, of seventeen syllables	I.	7
"Holy of Holies," Idzumo Shrine.	IV.	501

	PART.	PAGE
Home Imprisonment	V.	709
Homeless Offenders	V.	784
Homicide, Punishment of	V.	772
Horio, Yoshiharu, Lord of Idzumo	IV.	496, 541
Horizon, "Heaven's Upright Limiting Wall"	IV.	596, 625
Hot Springs, Uses of	IV.	571, 577
House, In old Japanese law, immovable	V.	714
Houses, Erecting on new land without permission	V.	787
Human Sacrifices, Burying alive disapproved	IV.	618, 630
Husband and Wife, Relation of in law	IV.	648
Hypothecation of Dwellings, &c.	V.	725
Ideographs, will Japanese nation discard	I.	9
<i>Idzumo Kyokwai</i> , A sub-sect of Shintō <i>Honkyoku</i>	IV.	555
<i>Idzumo-no-Kuni Miyatsuko Kamuyogoto</i> , the rite	V.	535
IDZUMO, THE GREAT SHRINE OF, by W. L. Schwartz	IV.	493-630
" Shrine, The income of	IV.	540
" -no-Kokuso-Kamu-yo-goto	IV.	582, 621
" Constructed by all the gods	IV.	590, 622
<i>Iri-gami</i> , "Living gods" of Shintō	IV.	547
Imperial Oath by Emperor Yoshihito	III.	389
Immortality of the Soul not in Shintō books	I.	159
Imprisonment for life, sentence of Takano	III.	441, 443
Inasa, "No or Yes"	IV.	603, 627
Inase Hagi no Kami	IV.	604
Incantation, The famous	IV.	516
Individualism and Christianity	I.	43-44
" and stability of the State	I.	8
Inflammatory or Libellous Papers	V.	759
Inouye, Dr. Euryō, Style of	I.	5
" Dr. Tetsujiro, and German Philosophy	I.	3
" Authority on new style poetry	I.	52
" Quoted	I.	86
" On Christianity in schools	I.	168
Insane Person, Murder committed by an	V.	775
Insolvency of Debtors	V.	725
Ise, Great Shrines of	IV.	549
Iwaki, Juntaro's History of Literature, Meiji Era	I.	8
Izanami-no-Mikoto, Grave of	IV.	505, 595
Izanagi-no-Mikoto	IV.	638
Japan, The New, born March 4, 1771	III.	383
Japanese and Occidentals compared	I.	186
"Japanese Education," by Baron Kikuchi	I.	125

	PART.	PAGE.
Japanese Language and orthographic reform	I.	10
JAPANESE MODERN LITERATURE, by Walter Denning ...	I.	1-186
Japanese Poetry defective	I.	58
<i>Jiji Shogen</i> , words for the time	I.	34
Jimmu, Emperor, Established palace in Yamato	IV.	645
<i>Jindaihi</i> , Record of Age of gods	IV.	582, 621
<i>Joi</i> , (Away with Barbarians) cry	III.	388
<i>Jingu Kyo</i> , Winding up of in 1900	IV.	549
Joan of Katsuragi, Sermons by	II. 215, 241, 286, 301	
<i>Jokwan Gishiki</i> , Work on Jokwan era	IV.	617, 630
Jokwan, Name of Priestly office, Idzumo	IV.	611, 629
Journalism, History of Development of	I.	89-103
Journalist, Qualities that make a good	I.	102
<i>Ju-Ku-Sha</i> , Nineteen (doored) Shrines	IV.	606
Jurisdictions, Conflict of in land and succession suits ...	V.	393
Kagura, Dancers, Idzumo	IV.	497
Kanamori Taurin's treatises on Christianity	I.	183
Kaneko, Baron, on Japanese art	I.	78
Kano, Yasunari, Artist of Idzumo	IV.	608
Kanada, Eikichi, on Education and official worship ...	I.	114
Kamano Yasbiro	IV.	606
<i>Kami</i> , defined	I.	157
Kami, Three Creator	IV.	637
" Protection of necessary	IV.	643
Kami-Waki-Ika-Dan-Chi-no-Jinja, Kyôto	IV.	599, 626
Katô, Dr. Hiroyuki, and German Philosophy	I.	3
" " " on Christianity in Schools	I.	168
Katsu Awa no Kami, Prominent Restoration statesman ...	III.	435, 482
Katsu, Rintaro (Count Kashi), and Takano	III.	468
Kawaji Seibo (Toshiakira)	III.	461, 487
Keiôgijiku University, Founded by Fukunawa	I.	3
Kidnapping, Punishment for	V.	757
Kidzuki, Meaning of	IV.	590, 623
Kidzu-machi, Seat of Idzumo Shrine	IV.	495
Kikuchi, Baron, on school teachers	I.	109
Killing and Wounding, Punishment for	V.	766, 798
<i>Kinno</i> , Emperor-reverencing movement	III.	382
<i>Kinpimisho</i> , A 18th century work in 3 volumes	IV.	610, 628
Kirby, R. J., Esq. Trans. Dasai Jun's Economic Essays ...	II	195
Kitajima Family, Idzumo	IV.	501, 616
Kôda, Rohan, Idealist leader	I.	6
Kôda, on Drama	I.	85

	PART.	PAGE.
<i>Kodai Hoten</i>	V.	684
<i>Koe, The</i> , on religious sentiment	I.	169
Koga, Kotaro, Confucian scholar	III.	434, 480
<i>Ko-go-jui-i</i> , Gleanings from Ancient History	IV.	582, 621
Komori, Genryū	III.	411, 476
<i>Kokunō</i> , Governor at a Shrine	IV.	506
" Title abolished 1873	IV.	541
" Honki, Account of Country Rulers	IV.	616, 620
<i>Kokushigan</i> , A standard work	I.	4
Koishi Gensui, Dutch scholar and physician	III.	411, 474
<i>Kojiki</i> , Quoted	I.	157
<i>Kokkenron</i> , National rights... ..	I.	34
<i>Kokumin-no-tomo</i> cited	I.	52
Koseki, Sannai, Suicide of... ..	III.	438
<i>Koto-uta</i> , A musical instrument, Idzumo	IV.	509
Kozaki, Rev. H., on theological views of Japanese Christians	I.	183
Kurahara, Ikaku, on defects of Japanese education	I.	117
Land, Improper dealing in punished	V.	716
Language and patriotism	I.	11
" Japanese, handicapped	I.	10
" reform discussed	I.	10—22
" Amalgamation of spoken and written	I.	6
Laws, Japanese Feudal, Subjects of	V.	684
Law-Suits at houses of individual magistrates	V.	698
Learning, Ancient, confined to monasteries	I.	154
Lecky, "Democracy and Liberty"	I.	135
Life, Human, How first produced	IV.	639
Literary Sources, Value of to Modern Japan... ..	I.	1
LITERATURE, JAPANESE MODERN, by W. Dening	I.	1—188
Lloyd, Prof. Arthur quoted	IV.	535
Love, We must, all the world	IV.	582, 622
Lute, History of the	IV.	610
Lying, Buddhist Sermon on not... ..	II.	216
<i>Muchi Bugyo</i> , Chief of section of city	III.	445
Maeno, Riotsaku or Rankwa Dutch scholar	III.	383, 401, 471
Man's Existence, What the end of	IV.	639
Manures, Money value of used in Japan	II.	365
Manuring Problems of... ..	II.	353
Marriage Ritual	IV.	561, 648, 663
Martyrs to enlightenment	III.	386
Matsumoto, Hakucho, Naturalist	I.	6

	PART.	PAGE.
Matsudaira, Sadanobu, Virtual ruler of Japan, 1796-1831	V.	683
Meiji Period characterized by Chauvinism	III.	381
Merits, Divine (<i>Shintoku</i>)	IV.	582
<i>Metsuke</i> , Position and Duties, of... ..	V.	792
<i>Mishi</i> , a marine animal in <i>Kojiki</i> and <i>Nihongi</i>	IV.	507
<i>Mitsuhiki</i> , red and white cord for wrapping presents ...	IV.	532
Mjdsuno Echizen-no-Kami, Tadakuni	III.	435, 480
Mikado no Yashiro, Shrines of Divine Gate	IV.	607
<i>Miko</i> , Virgins who dance in a Shrine	IV.	507
Militarism and its consequences... ..	I.	146
Mind, analysis of the Japanese	I.*	104
<i>Minkowron</i> , popular rights	I.	84
Miracle, Shintō, See "Eiun's Dream."		
Misfeasance, Admissions of mistake or	V.	705
Miya, Meaning of... ..	IV.	582
Miya-Muke-no-Sakune, "Facing the Shrine,"	IV.	596, 625
Mixed Courts, of Count Okuma	I.	144
Mombushō interdicts Fukuzawa books	I.	34
" on ethics and morality	I.	174
Mondo, See "Idsumo."		
Money Claims, legally considered	V.	722, 725
" Loans, Improper interest or blank interest ...	V.	730
" Borrowing under false pretences	V.	730
Morality, basis of in Japanese education	I.	174
" Japan's system of	I.	127
Morals, Chinese system of in Japan	I.	175
Mori, Arinori... ..	I.	33
" on ethics in educational system... ..	I.	175
" Morrison," British ship coming to Japan	III.	422
Mortgage, Land cases	V.	717
" Punishment for making second	V.	727
Mother-of-Pearl Inlay, earliest examples of	IV.	511
Motoori, Norinaga,—Noted Shintō scholar	IV.	634
Mozume's History of Civilization in Japan	I.	4
Murata Shobō, Inventor of Murata rifle	I.	30
Murder, See "Death"		
Murdoch, Mr. James, quoted	IV.	536
Music of the stage... ..	I.	6
Nagasaki, Study of Takano at	III.	401-407
Naiden, Inner Sanctuary, Idsumo	IV.	500, 609
Nakajima, Mr., Writing Master to H.I.M. the Emperor.	I.	187
Nakamura, Keiō, and modern literature... ..	I.	22

	PART.	PAGE.
Nara age emperors patrons of art, A. D., 710-784	I.	78
Nature as seen by Japanese poets,	I.	57
Negi, Chief Priest at Idsumo	IV.	514
Newspapers, first published in Japan	I.	90
" successful	I.	95
" moral tone of many	I.	96
" in Japan, are they influential?	I.	96
Nihinami, "First-tasting" festival	IV.	505
" method of observance of	IV.	527
Ni-ju-ni-Sha Chushiki, Rank of 22 Shrines	IV.	600, 626
Nitobe, Dr. Inazo, on Japan and Western civilization.	L	48
Nitrogen, Manuring with	II.	363
Nô, The dance	V.	805
Nomi no Tsukune, Famous head of Clay-workers	IV.	618
Norito, Shintô prayer	IV.	515
Nose of Einn restored by miracle	IV.	611
Novelists, the great	I.	13
Officials, Plaints against in law	V.	697
" Members of the High Court	V.	799
Ogata, Kûan, famous Dutch school of	I.	28
" " opens medical school in Osaka	III.	385
Oho-Kuni-no-Mikoto, "Ruler of Hidden World,"	IV.	553, 571, 573, 574, 578, 579, 582, 630, 638
Oho-Na-Mugi, the earth god	IV.	534
Ôki, Count, Minister of Education	I.	175
Okuma, Count, on modern education	I.	120
" " Mixed Courts opposed	I.	144
Opium War and Japan	III.	453
Oratory in Japan	I.	32, 33
Origin of Heaven and Earth	IV.	637
Osaka Press, The	I.	92
Oseki, Sanej, Dutch school physician	III.	396
Otsuka, Bansui, also called Gentaku	III.	401, 471
Otsuka, Dr. H. and western civilization	I.	40
Otsuki Shunsai, friend of Takano	III.	451, 482
Owada, Tateki's <i>Uta Manabi</i>	I.	58
O-Yamato-no-jinja-Chushin-To, Letters to Emperor	IV.	582, 621
Painting, knotty questions in Japanese	I.	76
" Dr. Toyama on	I.	64
Parents & Children, Relation of, legally	IV.	646
Party Government, Japan not ready for	I.	137
Patriarchism of Japan	I.	44

	PART.	PAGE.
Persecution of intelligent men	III.	430
Petitions not entertained as suits	V.	704
Phosphate manuring	II.	361
Pine Trees, Avenue of 1000, Idzumo... ..	IV.	496
Piggott, Capt. F. S. G., Author, "Elements of Bōsho"...	I.	187
Plaints, Endorsement & Sanction of... ..	V.	691
" Repeatedly presented in Petition-Box	V.	698
" Plays of Old Japan: The Nō," by M. C. Stopes ...	V.	805
Poets, Japanese and others compared	I.	59
Poetry	I.	60-61
Poisons, Punishment for Selling	V.	762
Politics, a general survey of	I.	134
Political Economy, as by Dazai Jun... ..	II.	195
Posterity suffers for sins of parents	IV.	642
Potash manuring	II.	359
Prayer (Raibun), Divine answers to	IV.	619
" Answers to	IV.	631, 638
Preliminary Investigation re Charges, Robbery, Theft, Arson	IV.	706
Priest who commits fornication... ..	V.	745
Prison Conditions under Shogunate	III.	445
Prisoners, Sending to Waiting Room	V.	784
Proofs, Documentary	V.	702
Prostitutes, Sending Adopted Daughters as	V.	788
Prostitution, on Punishment for secret	V.	789
Punishment of those who refuse to accept Judgment ...	V.	706
" for harboring persons from another locality ...	V.	711
" Remission of	V.	789
" Modes of... ..	V.	791, 800
" of Blind Persons	V.	802
Purification, Goddesses of the Gates of, Idzumo	IV.	496
Purity of Heart, Deities Admire	IV.	609
Regalia of Japan, Sword, Mirror, & Jewel	IV.	552
Religion, advice of scholars on	I.	170-171
" Attitude of Japanese mind toward	I.	155
" Definition of	I.	156
Religious nature of Japanese	I.	169-170
" Persons who Bring Suits	V.	703
Renga, Linked poems	IV.	497
Restoration Documents withheld from publication ...	III.	385
Retainers of High Officials, Punishment of	V.	698
Reward and Punishment	IV.	641

	PART.	PAGE.
Rice, price of in 1833	III.	419
Rinshihei, Retainer of Date Masamune	III.	430, 443, 476
Robbery and Theft, Punishment for... ..	V.	752
Roman Letters, as national symbols	I.	16
Romanization of Japanese language	I.	14
Root-land, to which Izanami went	IV.	595, 624
" A place of punishment	IV.	640
Rowdy behavior punished	V.	773
Ruler and Subjects... ..	IV.	652
Runaway persons, punishment of those connected... ..	V.	737
Russian vessel visited Nagasaki, Bunkwa period	III.	422, 429
Saigō, Takamori and <i>Bummei-ron Gairyaku</i>	I.	83
Saionji, Marquis, on education	I.	111
Saito, Admiral Baron, Minister Japanese Navy	III.	390
Sakuma, Shōzan, Dutch scholar (also called Keinosuke)... ..	III.	381, 461, 485
Samurai, Favorite pastime of young	V.	769
" meaning of	IV.	586, 622
Sanō, The mountain king, festival	III.	397
Sansom, Mr. G. B., Book review... ..	V.	805
Satow, Sir E. M., on Japanese poetry	I.	7
Sawayanagi, Pres. M., on Japanese education	I.	124
" <i>Wagakuni-no-Kyoiku</i>	I.	125
" His Kōdō (Filial Piety)	I.	182
Schism in Idzumo ranks	IV.	539
Scholars, advice of three noted	I.	170
School-teachers, Baron Kikuchi on	I.	109
" Dr. Ukita on	I.	119
Schwartz, Prof. W. L., Author, "The Great Shrine of Idzumo"	V.	
Siebold, Franz Philipp... ..	III.	401
Seikyō Shimpō, Greek Church organ, quoted	I.	184
Senge, One-thousand Houses Family... ..	IV.	540
" <i>Kiyuki</i>	IV.	596, 616, 625
" Sompaku, Compiler Records Divine Benevolence..	IV.	561, 571, 621 631, 637
" Toshihide, Correspondence of... ..	IV.	634
" Takamori, son of Senge Takatomi	IV.	550
" Takatomi, or Sompuku, Warden Idzumo Shrine..	IV.	550
Sengūsai, "Feast of removing the Shrine"	IV.	511
Servants, Defaulting and their Guarantors	V.	731
" Punishment of runaway	V.	736

	PART.	PAGE.
Shibusawa, Baron, on militarism	I.	146
Shigeno, Dr. Aneki, Authority on Japanese history ...	I.	4
Shima, Kokwan, Pictorial artist... ..	III.	401
Shimada, Saburo, on how to become a journalist ...	I.	102
" " on Constitutional government	I.	145
" " on militarism	I.	147
Shimadzu, Saburo, A great conservative	III.	388
Shimadzu, Saibin, of Satsuma	III.	387
" " also Nariakira	III.	461, 483
Shimoda of enormous size, Idzumo... ..	IV.	496
Shinagawa Forts, built by Egawa Tarozajmon, 1854 ...	III.	480
Shingu, Riotei, noted physician Dutch school... ..	III.	411, 474
Shiri, started in 1890	I.	183
Shintai, new style poems	I.	7
Shintō, Ancient and Modern, some notes on	IV.	493, 582, 630
" Sects, list of	IV.	548
" Government influence upon	IV.	549
" worship, largely voluntary in manner	IV.	515
" or Buddhist innovators	V.	747
" connection of with China	IV.	533
Shintōism, religion in ancient	I.	157
Shūyō, Unitarian organ, started 1891	I.	183
Shis, Cedar wood burned for remission of	IV.	496
Sin and Repentance	IV.	643
Slandering, Buddhist sermon on not	II.	286
Snowfall, Line marking southern limit of	I.	352
Sone, Arasuke, Baron, on Education	I.	112
Soga no Yashiro	IV.	595, 624
Soil of Japan, not naturally rich	II.	358
Sono no Nagahama beach, among finest in Japan ...	IV.	495
"Sōsho, Elements of," by Capt. F. S. G. Piggott ...	I.	187
Soul, origin of at man's birth	IV.	639
" Immortality of	IV.	639
" Future of the ☉... ..	IV.	640
Sōshu Shiki, Rite of induction of Guji	IV.	548
Spades, Five-hundred Divine	IV.	599, 626
Spencer, Herbert, influence of in Japan	I.	177
Stage acting, radical changes in	I.	25
State Absolutism and its basis	I.	148
Stolen Goods, Punishment for Receiving or Buying ...	V.	755

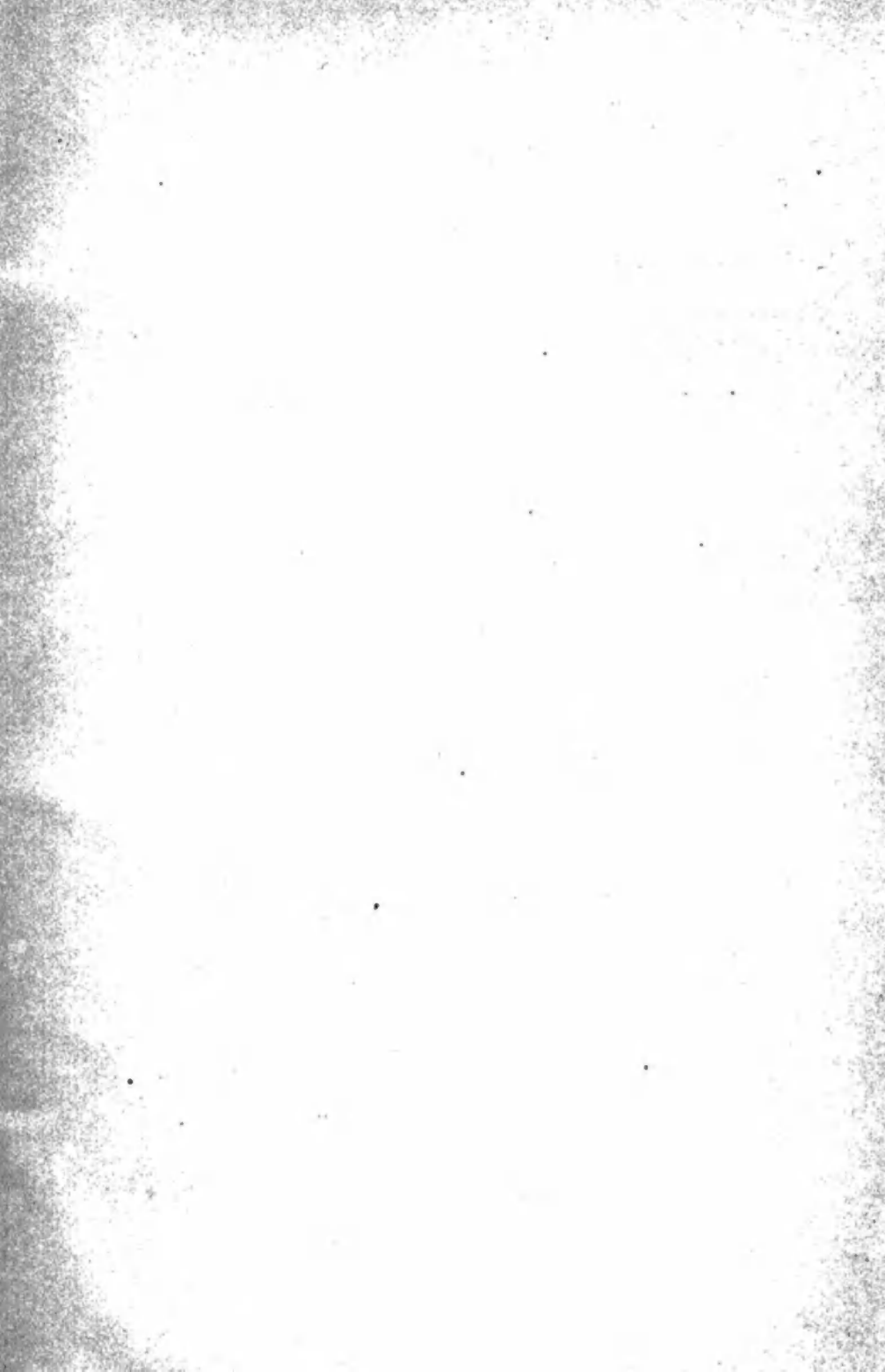
	PART.	PAGE.
Stopes, Marie C., D. Sc., PH. D., F. D. S., Author, "Plays of Old Japan"	V.	805
Struthers, Mr. J., M. A., Author Studies in Japanese Agriculture	II.	351
Subjects of Law, list of	V.	684
Sugita, Gempaku, Scholar of Dutch school	III.	383
" and Maeno dissect body of criminal, Mar. 4, 1771	III.	383
Sugita Hakugen	III.	393, 468
Sugita Seikei, of Yedo	I.	27
Suicide among Dutch scholars	III.	438, 443, 444, 465
" of a man and woman by agreement	V.	745
Suits at Law, brought a 2nd time or before wrong tribunal	V.	695
" at houses of individual Magistrates	V.	698
" respecting use of water	V.	700
Sumiyoshi, Fort at, and Takano	III.	460
Surveys of land and boundaries	V.	701
Susa-noWo-no-Mikoto	IV.	510, 572, 578, 638
Sun, original idea of	IV.	517
Suzuki, Shunsan, Military scholar	III.	444, 482
Swindling, Extortion, &c. punished	V.	759
Swords, Sacred, at Idzumo	IV.	512, 609, 610, 613, 628
Tachihara, Nintaro, Painter	III.	434, 480
Taisha sect of Shintō	IV.	495, 548, 562
" handbook of formalities of the	IV.	554, 655, 662
Taiyo cited	I.	52
Takachiho in the province of Hyuga	IV.	645
Takahashi, Sakuzemon, Chief Librarian and Astro- nomer under Shōgun... ..	III.	408, 473
TAKANO, NAGAHIDE, OSADA'S LIFE OF Trans. D. C. Greene	III.	379-492
" " Monument to	III.	379
" " frequently called Takano Choei		
" " escape from prison of	II.	452
" " Marriage of in 1838	III.	456
" " Suicide of, Oct. 29/1850	III.	465
" " Honored by Emperor, July 1898	III.	466
" " Works written by	III.	468
Takayama, Dr., chief apostle of Individualism	I.	3

	PART.	PAGE.
Take-no-Uchi-no-Sukune, Japanese Methuselah	IV.	393, 624
Tanka, poem of thirty-one syllables	I.	7
Tattooing as Punishment	V.	799
Tayama, Kwatai, Naturalist	I.	6
Teeth, blacking the, by Court Nobles	I.	32
Temperatures, The winter in Japan... ..	II.	352
Theatre, The in Japan... ..	I.	85-89
Thought periods, 1870-1910	I.	2
Throne, Delicate heir to prayed for and result	IV.	525
Throwing Stones at wedding, Punishment for	V.	773
Time-Limits on Mortgage Loans, in law... ..	V.	722
Togama, Public Disgrace	V.	706
Tokugawa Administration sadly corrupt... ..	III.	448
" Keiki, inspired by Great Deity	IV.	551
" Legislation, The... ..	V.	
Tokyo University as center of Philosophy	I.	3
Torii at Idzumo Shrine	IV.	496
Torii, Yōsō, a <i>katamote</i>	III.	431, 477
Tori no Nakama, "The Song of the Bird," by Takano Nagahide See 491... ..	III.	444
Torture, Cases in which it is to be applied	V.	779
Toes, Mitunoki, Japanese artist, 18th century... ..	IV.	613, 629
Totsuka, Seikai	III.	410, 474
Translations against Original works	I.	8
Traveller, Fallen sick, Treatment of... ..	V.	786
Treasures of Shintō	IV.	609
" Inspection of allowed... ..	IV.	613, 629
Treasure Trove, law concerning... ..	V.	756
Tsubouchi, Dr. S., Authority on Japanese drama	I.	3
" " on language styles	I.	20
" Dr. Yūzō, father of modern novelists... ..	I.	23
" " views on poetry	I.	50, 51
Tsuchii, Bansui, Authority on <i>Shintōshi</i>	I.	7
Tsuji, Shinji, Mr., Vice-Minister Education	I.	175
Tsurayuki of the Heian age	I.	58
Toyabe, Mr. Shuntei	I.	8
" " on Japanese politics... ..	I.	139
Toyama, Dr., Lecture on Japanese painting	I.	64
" " and synthetic philosophy	I.	3
" " on Japanese education	I.	108
Utsunojima, Inaba provinces... ..	IV.	591, 624
Uga-no-Mi-Tama-no-Kami	IV.	606

	PART.	PAGE.
<i>Ujiko</i> , Tutelary deity	IV.	515
„ no <i>Tamashii</i>	IV.	614, 629
„ no <i>Yashiro</i> , Tutelary Shrines	IV.	596
<i>Uka</i> , Mount	IV.	589, 623
<i>Ukita</i> , Prof. in Waseda University	III.	383
„ Dr. K., on school teachers	I.	119
<i>Unagami Zoio</i> , or <i>Enamura Sampaku</i>	III.	412, 475
Underworld, The Dark	IV.	582, 621
<i>Uyesugi</i> , <i>Kagekatsu</i> , a powerful noble of Echigo	III.	392, 467
Vaccination introduced under Dutch influence	III.	385
Verses, humorous... ..	I.	56
„ new style, <i>Shintarishi</i>	I.	52
Village Functionaries and Accounts	V.	788
Violently Carrying off Former Wife... ..	V.	785
<i>Wa-Kan-San-sai Drums</i> , A work dated 1713	IV.	600, 626
War Correspondents, Japanese	I.	100
Waseda University, Founded by Count Okuma	I.	3
Water, Suits respecting Use of	V.	700
<i>Watanabe Kwazan</i> , scholar of Dutch school	III.	380
Watchmen, Cross-Roads, Punishment of	V.	783
Weather in 1883	III.	419
Wife's Dowry not to be confiscated... ..	V.	714
<i>Wilhelm II.</i> of Holland, Letter from	III.	454
Woman in Japan	I.	72
„ and <i>Shintō</i> offerings	IV.	508
„ and Service	IV.	649
<i>Women</i> , New Great Learning for... ..	I.	35
Worship, Manner of at <i>Idsumo</i>	IV.	516
Wounding, not cause of death	V.	772
Wrestling in <i>Shintō</i> ceremony	IV.	547
<i>Yakitsuchi</i> , Burning soil with vegetable matter	II.	361
<i>Yamato-kotoba</i> , beautiful	I.	12
<i>Yamato</i> , Palace of <i>Jimmu</i> in	IV.	645
<i>Yamato Take</i> , Expedition of	IV.	585
<i>Yamato-Uta</i> , or <i>Waka</i>	I.	53
<i>Yano</i> , <i>Fumio's Keikoku-bidan</i>	I.	23
<i>Yokoi</i> , <i>Shonan</i> , Scholar in Dutch language	III.	381
„ <i>Tokiwa's Waga Kuni no Kirisuto-kyō Mondai</i>	I.	183
<i>Yoriki</i> , Retainers of <i>Tokugawa House</i>	V.	798
<i>Yori-hi-no Zōi</i> , "The Building of Logs that came Floating"	IV.	539

	PART.	PAGE.
Yoshida, Chōshuku, Pyhsician of Dutch school	III.	395, 468
" Shoin, scholar of Dutch school... ..	III.	381
Youthful Offenders, Punishment of... ..	V.	776
Yume Monogatari, "A Dream," by Takano Nagahide.	III.	379, 417, 433
Yumei no Tsuchi, Ruler of Dark World	IV.	585
Zuijin, Wooden Warriors, Shrine Guardians	IV.	628
Zokugo, Colloquial vs. written Japanese	I.	60

End of Volume XLII.



N.C.
82

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